

In The Matter Of:
United States vs.
PFC Bradley E. Manning

Vol. 1
June 3, 2013
UNOFFICIAL DRAFT - 6/3/13 Afternoon Session

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Min-U-Script® with Word Index

VOLUME I

IN THE UNITED STATES ARMY

4 | UNITED STATES

5 | VS.

6 MANNING, Bradley E., PFC

COURT-MARTIAL

7 U.S. Army, xxx-xx-9504

8 Headquarters and Headquarters Company,

9 U.S. Army Garrison,

10 Joint Base Myer-Henderson Hall,

11 | Fort Myer, VA 22211

12 _____ /

13

15 The Hearing in the above-entitled matter was
16 continued on Monday, June 3, 2013, at 2:10 p.m., at Fort
17 Meade, Maryland, before the Honorable Colonel Denise Lind,
18 Judge.

1 **DISCLAIMER**

2
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17 combinations that do not make sense, and missing
18 testimony or colloquy due to being inaudible to the
19 reporter.

UNOFFICIAL DRAFT - 6/3/13 Afternoon Session

3

1 APPEARANCES:

2

3 ON BEHALF OF THE GOVERNMENT:

4

JOE MORROW

5

ASHDEN FEIN

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ANGEL OVERGAARD

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ON BEHALF OF THE ACCUSED:

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DAVID COOMBS

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THOMAS HURLEY

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JOSHUA TOOMAN

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1 PROCEEDINGS - AFTERNOON SESSION

2 THE COURT: Note we are starting a little
3 late. I think some of that is just administrative
4 processing glitches that we sometimes have on the first
5 day of proceedings.

6 Major Fein, is the process a little more
7 streamlined that we'll be able to start on time?

8 MR. FEIN: Yes, ma'am.

9 THE COURT: Anything we need to address
10 before we begin the merits phase?

11 MR. COOMBS: No, Your Honor.

12 MR. FEIN: No, Your Honor.

13 THE COURT: Call your first witness.

14 Whereupon:

15 THOMAS SMITH,
16 called as a witness, having been first duly sworn
17 according to law, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. OVERGAARD:

20 Q. And you are Special Agent Thomas Smith?

21 A. Yes, ma'am.

1 Q. And what is your rank?

2 A. Sergeant first class, ma'am.

3 Q. Where are you currently assigned?

4 A. At the Fort Smith CID office.

5 Q. What's your position?

6 A. I'm the senior enlisted case agent as well as
7 the evidence custodian, ma'am.

8 Q. And what are the responsibilities of the
9 senior enlisted case agent?

10 A. As the case agent I'm responsible for the
11 daily maintenance of an investigation to include
12 conducting crime scene investigation, evidence
13 collection. I'm also responsible for the daily
14 activities of investigative as far as interviews of
15 witness and subjects as well as victims, and also the
16 coordination with SJA and command, ma'am.

17 Q. And as senior enlisted, does that mean you're
18 the most senior case agent?

19 A. Yes.

20 Q. Most senior enlisted case agent?

21 A. Yes, ma'am.

1 Q. And you mentioned you're an evidence custodian
2 as well?

3 A. Yes, ma'am.

4 Q. What do you do in that position?

5 A. I'm responsible for the intake or processing,
6 accountability, and then final disposition of the
7 evidence at the end of the legal proceedings, ma'am.

8 Q. And how many years have you been a CID agent?

9 A. I graduated from CIDSAC, the special agent CID
10 course in June of 2007, ma'am.

11 Q. Where were you assigned before Fort Gordon?

12 A. I was assigned to the Fort Huachuca.

13 Q. And what did you do there?

14 A. I was a case agent and then transitioned into
15 the senior enlisted case agent there as well, ma'am.

16 Q. When were you there?

17 A. I arrived there in August of 2008 and I
18 departed there in May, June of 2012, ma'am.

19 Q. Did you deploy during that time?

20 A. I did, ma'am.

21 Q. Where did you go?

1 A. I was, I went to Iraq. I was the detachment
2 sergeant for the central Iraq CID detachment. I was
3 stationed at VBC, ma'am.

4 Q. And that's Camp Victory?

5 A. Yes, Victory Based Complex, ma'am.

6 Q. And do you remember when that was?

7 A. Training was in February, I think we were
8 boots on ground in March of 2010, and then I left in
9 January of 2011, ma'am.

10 Q. And what was your position at camp victory?

11 A. I was the detachment sergeant, ma'am.

12 Q. What does it mean to be a detachment sergeant?

13 A. I was responsible for the general welfare of
14 my soldiers over five different provinces in the central
15 Iraqi area, ma'am.

16 Q. Before you were at Fort Huachuca where were
17 you assigned?

18 A. Fort Gordon, ma'am.

19 Q. And what did you do there?

20 A. Part of the time I was there as a CID agent,
21 part of time I was there as MI, ma'am, military

1 intelligence.

2 Q. And so you were a different MOS for part of
3 your time?

4 A. Yes, ma'am.

5 Q. What was that MOS?

6 A. 98 Charlie, ma'am.

7 Q. And what is that?

8 A. Signals intelligence analyst.

9 Q. Is that currently a 35 series?

10 A. 35 November now, ma'am.

11 Q. So what does a signals intelligence analyst
12 do?

13 A. Responsible for the collection, identification
14 of intelligence, and then in the production of product to
15 the command for action taken, if necessary.

16 Q. How many years have you been in the Army?

17 A. Been in the Army just over 13 years, ma'am.

18 Q. And you say you've been a CID agent for six of
19 those years?

20 A. Yes, ma'am.

21 Q. And what did you do for the other seven?

1 A. I was a 98 Charlie, ma'am.

2 Q. What training did you receive to become a CID
3 specialist?

4 THE COURT: The 98 Charlie --

5 THE WITNESS: Signals intelligence, ma'am.

6 BY MS. OVERGAARD:

7 Q. It was a 98 Charlie, now it's a --

8 A. 35 November. Yes, ma'am.

9 Q. So what training did you receive to become a
10 CID special agent?

11 A. We had 16 weeks at the CIDSAC course, CID
12 special agent, at Fort Leavenworth, Missouri, ma'am.

13 Q. And is that the CID (INAUDIBLE)?

14 A. Yes, ma'am, it is.

15 Q. What did you learn in that course, just in
16 general?

17 A. In general, the course went over law. It went
18 over crime scene and the identification processing. It
19 also went over about two or three days of digital media,
20 a couple days on fraud examinations, and accumulated
21 interviews and investigations, ma'am.

1 Q. You said crime scene processing and evidence
2 collection?

3 A. Yes, ma'am.

4 Q. What other specialized training have you had
5 as a CID agent?

6 A. I've attended the hostage negotiators course.
7 I've attended the special agent laboratory technician
8 training at Fort Gillem, U.S. Army Criminal Lab. I've
9 attended the EMC Squared course.

10 Q. And what's that?

11 A. The evidence maintenance custodian's course.
12 I've also attended multiple courses on post box crime
13 scenes. And several different courses on interview
14 interrogation, ma'am.

15 Q. Did any of the training focus on evidence
16 collection?

17 A. It did, ma'am.

18 Q. What percentage of it?

19 A. Of the training that we received during the
20 CIDSAC course, there's a week dedicated to nothing but
21 crime scenes, it's called crime scene hallway in which we

1 do nothing but process crime scenes to include the
2 collection of evidence.

3 Then with the post box courses, part of the
4 training at the end is the data identification and
5 recovery and collection of the evidence.

6 And then the EMC Square course doesn't talk
7 about the collection of the evidence, but I did a couple
8 day's course pertaining to the proper maintenance of the
9 evidence once it's brought into the evidence room, ma'am.

10 Q. And how about specifically the collection of
11 digital evidence?

12 A. Digital evidence is covered, it's about a two
13 or three day course that's taught within the CIDSAC
14 course, ma'am.

15 Q. And is there any other -- well, is there any
16 other unit level training for the collection of digital
17 evidence?

18 A. On occasion the digital forensic examiners
19 which are at the battalion level will come into the field
20 and conduct training with us, and they'll also send out
21 bulletins as new techniques or new methods are learned to

1 keep us updated in the field, ma'am.

2 Q. And what did you learn about the collection of
3 digital evidence?

4 A. The training basically comes down to
5 photographing if the power is on, hit the shift key,
6 photograph if anything's on the screen, photograph the
7 cables and connections leading into the computer, pull
8 those, and then conduct a hard shutdown of the system,
9 ma'am.

10 Q. Why do you do a hard shutdown?

11 A. Because it has been identified that there is
12 programs out there to where if you begin to do a soft
13 shutdown of the system it will actually start to wipe
14 media and programs off the system, ma'am.

15 THE COURT: What is the difference between a
16 hard shutdown and a soft shutdown?

17 THE WITNESS: The soft shutdown, ma'am, is
18 when you go into the system and tell it to turn itself
19 off, like we do a restart on a computer on a nightly
20 basis, ma'am. A hard shutdown is where you're actually
21 pulling the power on it and it immediately shuts it down.

1 THE COURT: Thank you.

2 BY MS. OVERGAARD:

3 Q. You also mentioned processing a digital crime
4 scene. When did you cover that?

5 A. That is all part of the training during the
6 two or three days at CIDSAC, ma'am.

7 Q. So will you walk us through how you process
8 the digital crime scene?

9 A. First thing to do, it doesn't deviate any more
10 than any other crime scene except the evidence that
11 you're collecting and how you go about collecting it, but
12 you start out with photographing the crime scene. After
13 you photograph the crime scene you conduct a pen and ink
14 sketch of the scene, and then you begin your search of
15 the scene looking for evidence within the crime scene,
16 ma'am.

17 As you come across digital media, it's going
18 to be photographed in place, marked on the sketch on
19 where it's being collected from and then collected,
20 ma'am.

21 Q. Is there any special way to store that digital

1 evidence?

2 A. It's recommended that it's placed inside a dry
3 element to prevent dust and other elements getting to it,
4 as well as water. So the best practice is to keep it dry
5 and clean, ma'am.

6 Q. Do you have any degrees that are relevant to
7 your job as a CID agent?

8 A. I have a bachelor's in psychology and criminal
9 justice, and I'm about one class away from my master's
10 degree in criminal justice with an emphasis in law and
11 forensic science, ma'am.

12 Q. And how many cases have you conducted
13 investigative activity as a CID agent?

14 A. Investigative activity, I've probably been a
15 part of approximately 250 cases, ma'am.

16 Q. And how about as the primary, the lead agent?

17 A. Lead agent or conducting significant
18 investigative activity, approximately 150, ma'am.

19 Q. How about how many computer crime cases have
20 you worked as a CID agent?

21 A. Approximately ten, ma'am.

1 Q. And how did you first become involved with
2 this particular case?

3 A. While we were there at VBC, our commander
4 received a request for an investigation, or an RFI from
5 CID command. He brought us around the table, briefed us
6 as far as what was contained within the RFI and we broke
7 it down into a three man element that was going to go to
8 VBC, ma'am.

9 Q. Okay. And do you remember when you received
10 this information?

11 A. The 27th of May, 2010, I believe, ma'am.

12 Q. Why did your office get it?

13 A. Because FOB Hammer was within our AO, ma'am.

14 Q. And were you personally tasked?

15 A. I was, ma'am.

16 Q. You were part of the three man team that you
17 talked about?

18 A. Yes, ma'am.

19 Q. And what was your role to be on that three man
20 team?

21 A. I was being sent out there to conduct the

1 crime scene as well as the evidence collection while we
2 were there, ma'am.

3 Q. Why were you chosen?

4 A. I was the senior enlisted. I had a lot more
5 crime scene experience than a lot of the other agents in
6 the office, and since I had already taken the soft course
7 then I was chosen for that, ma'am.

8 Q. Who else was assigned to that team?

9 A. Agent Lisandre, Agent Toni Graham. There was
10 a CI, counter intelligence agent that was assigned to the
11 team, and myself, ma'am.

12 Q. Does your background as a 35 series, did that
13 have anything to do with you being assigned to the team?

14 A. It was partially one of the reasons that I was
15 sent out there was also to conduct the interview of PFC
16 Manning initially, and that was one of the reasons that I
17 was sent out there was that I might be able to relate to
18 him.

19 Q. Because you were an intel analyst?

20 A. Correct, ma'am.

21 Q. Who was in charge of that team?

1 A. That would have been Agent Toni Graham, ma'am.

2 Q. And what were the first actions that your team
3 took when getting assigned to this case?

4 A. Once we were assigned to the case, Agent
5 Graham pulled all the information needed in order to go
6 in front of the magistrate to get a search and seizure
7 authorization. I myself, outside of packing my own gear
8 obviously, also began packing the material that we were
9 going to need once we hit ground as far as the crime
10 scene to include cameras, paper bags and other items,
11 ma'am.

12 Q. When did you go, when did you leave for this
13 assignment?

14 A. We left on the 27th of May, 2010, ma'am.

15 Q. And where were you going?

16 A. From VBC to FOB Hammer, ma'am.

17 Q. Where was that?

18 A. Ma'am, I don't remember.

19 Q. Okay.

20 A. I know it was on the other side of the river
21 out in the middle of nowhere.

1 Q. How did you get there?

2 A. We took helo flights out there, ma'am.

3 Q. Okay. And you mentioned you gathered supplies
4 for the mission. What did you gather specifically?

5 A. Cameras, paper bags. We gathered tape
6 measures, paper, pen and our computers so that we'd be
7 able to work once we hit ground, ma'am.

8 Q. And you said Agent Graham, she went and got
9 search authorizations?

10 A. Yes, ma'am.

11 Q. Do you know what you were authorized to search
12 once you hit the ground?

13 A. I knew we were authorized to search the SCIF
14 that PFC Manning was assigned to as well as his CHU,
15 ma'am.

16 Q. And when did you get to FOB Hammer?

17 A. The evening of 27 May 2010, ma'am.

18 Q. What did you do right when you arrived at FOB
19 Hammer?

20 A. The first thing we did was we debriefed part
21 of PFC Manning's chain of command.

1 Q. Then what did you do after that?

2 A. We dropped our load and our equipment inside
3 the battalion S2's office and we went into the SCIF and
4 we started conducting canvass interviews.

5 Q. Why did you go to the SCIF?

6 A. Because we were told that the team that PFC
7 Manning worked with or the shift that he worked with was
8 currently in the SCIF working.

9 Q. And who all on your investigative team went to
10 the SCIF?

11 A. It was myself and Agent Toni Graham, ma'am.

12 Q. And you said you were doing canvass
13 interviews?

14 A. Yes, ma'am.

15 Q. Who was doing those interviews?

16 A. Myself and Toni Graham, ma'am.

17 Q. Was there any time that you broke off from
18 doing those interviews?

19 A. After we completed the canvassing interviews,
20 at that point we switched over and started conducting the
21 crime scene exam of the SCIF, ma'am.

1 Q. How did you conduct the crime scene
2 investigation of the SCIF?

3 A. Due to the nature, we had them cover up some
4 of the material that was on the wall that was secret in
5 nature, and then after they semi sanitized the SCIF we
6 had them leave out of the SCIF and at that point we
7 started photographing, sketching and documenting the
8 scene, ma'am.

9 Q. When you say sanitize, what do you mean?

10 A. There was some stuff up on the wall that was
11 secret in nature, so we had them put up a, I believe it
12 was a blanket or something over it. It was one or two
13 charts that were on the wall that were secret in nature
14 as well that we had them pull down off the wall and put
15 them face down on the tables, ma'am.

16 Q. Why did you do that?

17 A. Because cameras in theater were a luxury and
18 hard to come by, and we knew that had we taken pictures
19 of that material up on the wall we would then have to
20 secure that camera and keep it a secret and would not be
21 able to use it again in theater, ma'am.

1 Q. You mentioned you took photographs and did a
2 sketch. Who did that?

3 A. I took the photographs and conducted a rough
4 sketch of the scene, ma'am.

5 Q. Would you recognize them again if you saw
6 them?

7 A. I would, ma'am.

8 THE COURT: All right. Hold on just a
9 moment. We need to adjust. Is it something you can do?

10 We're going to stop now. We're having some
11 slight technical difficulties so I'm going to ask if you
12 could, you're just temporarily excused. We'll fix these
13 technical difficulties and don't discuss your knowledge
14 of the case with counsel or the accused or anyone.

15 THE WITNESS: Yes, ma'am.

16 THE COURT: So we're going to send the
17 witness out. Is this something we need to take a recess
18 for?

19 All right. Why don't we go ahead and take a
20 ten minute recess. The court reporter has some audio
21 problems and needs to get with a technician to fix those.

1 As we all know, we take a verbatim record of trial of
2 these proceedings and we want to make sure we get them.

3 (BRIEF RECESS.)

4 THE COURT: Anything else we need to address
5 before we recall the witness?

6 MS. OVERGAARD: No, ma'am.

7 MR. COOMBS: No, ma'am.

8 THE COURT: Call the witness.

9 MS. OVERGAARD: United States calls Special
10 Agent Thomas Smith.

11 THE COURT: Just remind you that you're still
12 under oath, Agent Smith.

13 THE WITNESS: Yes, ma'am.

14 BY MS. OVERGAARD:

15 Q. And before we stopped you said that, I asked
16 you if you would recognize the photos you took of the
17 SCIF if you saw them again?

18 A. Yes, ma'am.

19 Q. And would you?

20 A. Yes, ma'am.

21 Q. I'm introducing prosecution exhibit 19 for

1 identification.

2 Ma'am, I'm handing the witness what's been
3 produced and marked as prosecution exhibit 19 for
4 identification.

5 Do you recognize that, Agent Smith?

6 A. Yes, ma'am, I do.

7 Q. And can you tell us what it is?

8 A. It's a sketch depicting the SCIF on FOB
9 Hammer, ma'am.

10 Q. How do you recognize that picture?

11 A. I'm the one that took the picture, ma'am.

12 Q. What viewpoint?

13 A. It shows the SCIF, inside of the SCIF with the
14 E and E to my back with a picture across the far side of
15 the SCIF, ma'am.

16 Q. Is that photo accurate?

17 A. Yes, ma'am.

18 Q. And when was it taken, do you recall?

19 A. It would have been late in the evening of 27
20 May 2010, ma'am.

21 Q. And does it accurately depict the SCIF on 27

1 May 2010?

2 A. Yes, ma'am.

3 MS. OVERGAARD: Ma'am, I'd like to offer what
4 has been previously marked as prosecution exhibit 19 into
5 evidence as prosecution exhibit 19.

6 THE COURT: Any objection?

7 MR. COOMBS: No, ma'am.

8 THE COURT: May I see it, please?

9 Prosecution exhibit 19 for identification is
10 admitted.

11 MS. OVERGAARD: May I publish it, ma'am?

12 THE COURT: Certainly.

13 BY MS. OVERGAARD:

14 Q. What physical area of the SCIF did your team's
15 investigation focus on?

16 A. We focused on what's depicted in that picture,
17 two SIPRNET computers that are along the back wall there.

18 Q. And could you circle that on the screen?

19 A. Yes, ma'am.

20 That area along the back wall, ma'am.

21 Q. And why did you focus on that area?

1 A. When we were doing the canvass interviews with
2 the shift workers that he worked with, those two work
3 stations were identified as the work stations that he
4 primarily used, ma'am.

5 Q. Before -- what color did you use to circle
6 that?

7 A. Green, ma'am.

8 Q. And did you collect any evidence from that
9 area?

10 A. Yes, ma'am, I did.

11 Q. And what specifically did you collect?

12 A. I collected two SIPR computers from that area,
13 ma'am.

14 Q. What was the classification of those two
15 government computers?

16 A. Secret, ma'am.

17 Q. Did you collect anything else from the SCIF?

18 A. Yes, ma'am. We collected a NIPR computer as
19 well from the SCIF, ma'am.

20 Q. Is that on this photograph?

21 A. No, ma'am, it's not.

1 MS. OVERGAARD: Ma'am, we're printing the
2 screen with the green circle on it and we'll have it
3 marked as prosecution exhibit 19 Alpha.

4 THE COURT: All right. Any objection to that
5 procedure?

6 MR. HURLEY: No, ma'am.

7 BY MS. OVERGAARD:

8 Q. Now, I'm retrieving what has been previously
9 marked for identification as prosecution exhibit 20?

10 THE COURT: Prosecution exhibit 19 Alpha is
11 admitted.

12 MS. OVERGAARD: Yes, ma'am. Prosecution
13 moves to admit prosecution exhibit 19 Alpha for
14 identification as prosecution exhibit 19 Alpha.

15 MR. HURLEY: No objection.

16 MS. OVERGAARD: I've retrieved plaintiff's
17 exhibit 20 for identification.

18 BY MS. OVERGAARD:

19 Q. Handing plaintiff's exhibit 20 for
20 identification to the witness, ma'am.

21 Do you recognize that photo?

1 A. I do, ma'am.

2 Q. And can you tell us what that photo is?

3 A. It's a depiction of the inside of the SCIF
4 with the secret room to my back, shot across the SCIF to
5 the E and E of the room, ma'am.

6 Q. And how do you recognize that photo?

7 A. I took the photograph, ma'am.

8 Q. And when did you take that photo?

9 A. 27 May 2010, ma'am.

10 Q. How accurate is that photo?

11 A. It's an accurate depiction of the SCIF as we
12 found it, ma'am.

13 Q. On what day?

14 A. 27 May 2010, ma'am.

15 MS. OVERGAARD: And the United States offers
16 what's been previously marked as prosecution exhibit 20
17 for identification into evidence as prosecution exhibit
18 20.

19 MR. HURLEY: No objection.

20 THE COURT: Prosecution exhibit 20 for
21 identification is admitted as prosecution exhibit 20.

1 MS. OVERGAARD: May I publish it?

2 THE COURT: Yes, you may.

3 BY MS. OVERGAARD:

4 Q. Special Agent Smith, can you point out that
5 NIPR computer for us in the photograph?

6 A. Yes, ma'am. It's right here along this work
7 station here.

8 Q. And what color did you use to circle that?

9 A. Yellow, ma'am.

10 Q. Who collected that NIPR computer?

11 A. I did, ma'am.

12 Q. And who collected the SIPR computers?

13 A. I did, ma'am.

14 Q. Did you collect all the evidence in the same
15 way?

16 A. Yes, ma'am.

17 MS. OVERGAARD: Now, I'm printing prosecution
18 exhibit 20 with the yellow circle on it as prosecution
19 exhibit 20A for identification and moving to admit it as
20 prosecution exhibit 20A.

21 THE COURT: Any objection?

1 MR. HURLEY: No, ma'am.

2 THE COURT: All right. When you get 19A and
3 20A printed, just hand them to me.

4 BY MS. OVERGAARD:

5 Q. Did you collect that NIPR and those two SIPR
6 computers in the same way?

7 A. I did, ma'am.

8 Q. Can you tell us how you collected them?

9 A. I went up to each system, photographed them in
10 place. After photographing them in place I hit the shift
11 key, took a picture of the monitor. After taking a
12 picture of the monitor, I took pictures of the cables
13 leading in and out of the computer and conduct a hard
14 shutdown. I can't remember, it doesn't matter which I
15 did, whether I pulled the plug (INAUDIBLE), but I
16 conducted a hard shutdown of the computer, ma'am.

17 Q. What did you do with the evidence after you
18 conducted the hard shut down?

19 A. After I conducted the hard shutdown of the
20 computer, they were placed inside brown paper bags and
21 placed into my backpack, ma'am.

1 Q. Is the evidence documented anywhere?

2 A. Yes, ma'am. It was documented on a DA form
3 4137.

4 Q. What is that?

5 A. It's the evidence property, evidence property
6 custody, ma'am, or EPCD.

7 Q. And what did you record on 4137?

8 A. The 4137 has the organization that's
9 collecting the evidence, who or where it was collected
10 from, a description of the evidence, and also contains
11 the chain of custody for that evidence once it's
12 collected, ma'am.

13 Q. How is it used to track the chain of custody?

14 A. It starts out with the first day law, our
15 department of law enforcement daily officer who collect
16 collects that information, he puts down where it was
17 collected, from or who it was collected from, and each
18 person that the evidence was handed to then signs the
19 form.

20 Q. And was that evidence collected in accordance
21 with your regulations?

1 A. Yes, ma'am, it was.

2 Q. Did you insure that you didn't modify the data
3 in any way?

4 A. Yes, ma'am.

5 Q. Did you investigate any other part of the
6 SCIF?

7 A. No, ma'am. We focused primarily on the
8 general SCIF area.

9 Q. And why was that?

10 A. There was a, the second section of the SCIF
11 area was a collection, PFC Manning did not have an
12 immediate work station back there to work out of, and
13 plus they were actively engaged in the mission at the
14 time we were there.

15 Q. And what's the classification of the SigAct
16 itself?

17 A. That's always top secret, ma'am.

18 Q. Agent Smith, you also mentioned that you make
19 a sketch of the area?

20 A. Yes, ma'am.

21 Q. Did you do that in this case?

1 A. Yes, ma'am.

2 Q. How did you prepare that sketch?

3 A. At the scene, just pen and ink sketch, just a
4 rough sketch depicting what of the overall scene, and
5 then afterwards go in and add the evidence and where it
6 was being collected from, ma'am.

7 Q. Retrieving what's been produced and marked as
8 prosecution exhibit 1 for identification. Do you
9 recognize that?

10 A. Yes, ma'am.

11 Q. Can you tell us what it is?

12 A. It's a rough sketch depicting the SCIF.

13 Q. And how do you recognize that picture, or that
14 diagram?

15 A. I'm the one that conducted the sketch, ma'am.

16 Q. And how are you familiar with that building in
17 particular?

18 A. We were in this building, we were inside the
19 SCIF specifically for the canvass interviews as well as
20 the crime scene itself, ma'am.

21 Q. How accurate is that sketch that you did?

1 A. It's an accurate depiction of the SCIF, not to
2 scale.

3 Q. And who put the labels on the diagram showing
4 what each object represents?

5 A. I did, ma'am.

6 Q. When did you record those locations, those
7 pieces, where those pieces of evidence were located?

8 A. I would have placed them on the original pen
9 and ink sketch as each piece of evidence was being
10 collected, ma'am.

11 Q. So you draw the picture first and then you
12 label it as you're going through?

13 A. Yes, ma'am.

14 Q. And you said it was originally in a pen and
15 ink. How did it get to be in that format?

16 A. Once I got back to the CHU, after a little bit
17 of sleep, once I got back to the CHU I woke up, I did
18 transfer my notes from pen and ink on to a, I can't
19 remember if I was using a Word or Outlook, but one of
20 those two programs to generate this sketch, ma'am.

21 Q. Is that an accurate copy of what you had in

1 your pen and ink sketch?

2 A. It is, ma'am.

3 MS. OVERGAARD: Ma'am, the United States
4 offers what's been previously marked as prosecution
5 exhibit 17 for identification as prosecution exhibit 17.

6 MR. HURLEY: No objection. 17?

7 MS. OVERGAARD: 17, yes.

8 THE COURT: Prosecution exhibit 17 for
9 identification is admitted.

10 MS. OVERGAARD: May I publish that, ma'am?

11 THE COURT: Yes.

12 BY MS. OVERGAARD:

13 Q. Can you orient us to this sketch?

14 A. Yes. In the picture depicted the E and E is
15 the entrance and exit of the facility which is in the
16 bottom right-hand corner of the picture.

17 Q. Okay. And that's the door?

18 A. Yes, ma'am.

19 Q. And where was the evidence that you collected?

20 A. Looking in two different areas, the two
21 separate computers were collected from Alpha and Bravo,

1 and then the NIPR computer was collected from Charlie,
2 ma'am.

3 Q. And what did you do with this evidence after
4 you collected it?

5 A. After I collected it it was placed into a
6 paper bag and placed into my book bag, ma'am.

7 Q. And why did you have it in a backpack?

8 A. In order to maintain the evidence for
9 accountability, ma'am.

10 Q. Did you ever move it to a different container?

11 A. Yes, ma'am.

12 Q. And what was that container?

13 A. Once we were there the unit provided us with a
14 large foot locker and two 5200 series locks and we at
15 that point started putting all the evidence we collected
16 into that foot locker, ma'am.

17 Q. And why did you use a foot locker there
18 instead of an evidence room?

19 A. FOB Hammer did not have a PMO section, so
20 there was no evidence room on FOB Hammer, ma'am.

21 Q. Do you have any reason to believe that the

1 evidence suffered any sort of damage or contamination?

2 A. No, ma'am.

3 Q. You also mentioned that you searched the
4 accused CHU?

5 A. Yes, ma'am.

6 Q. And who else searched that CHU with you?

7 A. It was myself and Agent Toni Graham, ma'am.

8 Q. Can you tell us what a CHU is?

9 A. Containerized housing unit, ma'am.

10 Q. And what is that?

11 A. Basically it's a container that has been
12 broken down into two or three different housing areas for
13 soldiers to live in, ma'am, while deployed.

14 Q. How far apart was the CHU from the SCIF?

15 A. A hundred, 200 yards, ma'am.

16 Q. And how did you determine that you needed, or
17 how did you determine what CHU was the accused's?

18 A. The PFC Manning's command actually drove us,
19 not drove, but walked us over there and showed us which
20 CHU it was, ma'am.

21 Q. How did you determine what items in there you

1 should search?

2 A. We waited for PFC Manning's command to get his
3 roommate, and once his roommate came in, we had his
4 roommate step inside and show us which side of the room
5 was his, which bunk was his, which wall locker was his
6 and which stack of TA 50 was his, ma'am.

7 Q. And what did you do once you first entered the
8 CHU?

9 A. Once he stepped out and I went in, at that
10 point we started conducting the exam consisting of
11 photographs, then we did a rough sketch of the overview
12 of the room, and at that point we started conducting a
13 search of the room, ma'am.

14 Q. What did you photograph?

15 A. Photographed the entire room as we found it.

16 Q. Would you recognize those photographs if I
17 showed them to you again?

18 A. I would, ma'am.

19 Q. I'm retrieving what's been marked as
20 prosecution exhibit 16 for identification.

21 18. Yes. Sorry. 18 for identification.

1 Handing that to the witness.

2 Do you recognize that?

3 A. Yes, ma'am, I do.

4 Q. And can you tell us what it is?

5 A. It's a photograph depicting the CHU belonging
6 to PFC Manning and his roommate, ma'am.

7 Q. How did you recognize it?

8 A. I'm the one that took the photograph.

9 Q. Can you tell us what viewpoint that shows?

10 A. It's a photograph just as you enter the room
11 with the E and E to my back, and it's a shot taken across
12 the room to the far corner, ma'am.

13 Q. Again, when you say E and E, that's the door?

14 A. Yes, ma'am.

15 Q. How accurate is that photograph?

16 A. It's an accurate depiction of how we found the
17 CHU that evening, ma'am.

18 Q. And what was the date, do you remember?

19 A. Actually at that point it had rolled over to
20 28 May 2010, ma'am.

21 Q. Does it accurately reflect the CHU as you

1 found it on 28 May 2010?

2 A. Yes, ma'am, it does.

3 MS. OVERGAARD: Your Honor, the United States
4 offers what's previously been marked as prosecution
5 exhibit 16 for identification into evidence as
6 prosecution exhibit 16.

7 THE COURT: May I see it, please?

8 MR. HURLEY: No objection.

9 THE COURT: Prosecution exhibit 16 for
10 identification is admitted. Or 18. Sorry.

11 MS. OVERGAARD: Sorry. 18.

12 THE COURT: For the record, we're talking
13 about prosecution exhibit 18, not prosecution exhibit 16.

14 MS. OVERGAARD: Yes, ma'am.

15 May I publish it, ma'am?

16 THE COURT: Yes.

17 BY MS. OVERGAARD:

18 Q. How did you and Agent Graham examine the CHU?

19 A. Agent Graham started with PFC Manning's wall
20 locker which is on the opposite wall just out of view and
21 worked towards the foot of the bed. I started at the

1 head of the bed and the night stand and worked towards
2 the foot of the bed, ma'am.

3 Q. What part of the CHU did the investigation
4 focus on, did it focus on one side or the other?

5 A. It focused on PFC Manning's personal
6 belongings on the far side of the CHU, ma'am, or on the
7 right-hand side of the CHU.

8 Q. And what did you specifically or what did you
9 find when you searched the CHU?

10 A. While searching the CHU I found several
11 writable CDs, a laptop computer, as well as a CD holder
12 containing a writable CD disk, ma'am.

13 Q. Could we talk about each one in turn?

14 A. Yes, ma'am.

15 Q. Could you tell us in this photograph where you
16 found you say the laptop?

17 A. Yes. The laptop is sitting on top of a
18 portable computer desk.

19 Q. Could you point that out for us?

20 A. Yes, ma'am.

21 It's here, ma'am.

1 Q. And you circled it in blue?

2 A. Yes, ma'am.

3 Q. What kind of laptop was that?

4 A. It was an Apple laptop, ma'am.

5 Q. And how did you know it belonged to the
6 accused?

7 A. First off, we asked his roommate which side of
8 the room was his and what was his personal property.
9 Also, the orientation of the computer was with the screen
10 facing PFC Manning's bunk as well as the keyboard, ma'am.

11 Q. Who collected this piece of evidence?

12 A. I did, ma'am.

13 Q. How did you collect it?

14 A. Photographed it in place, I hit the shift key,
15 photographed the scene, then conducted a hard shutdown on
16 the computer.

17 Q. So in accordance with your regulations?

18 A. Yes, ma'am.

19 Q. What happened with this evidence after you
20 collected it?

21 A. It was placed inside a brown paper bag, and by

1 this time the command had provided us with a large foot
2 locker so it was put into the foot locker and locked.

3 Q. And do you have any reason to believe that
4 this evidence suffered any damage or contamination?

5 A. No, ma'am.

6 Q. Let's move on to the CDs that you mentioned.
7 Can you show us where those were in the CHU?

8 A. Which CDs, ma'am, because they were found
9 pretty much in two separate areas?

10 Q. Let's start with the first area.

11 A. Okay. This area here at the night stand is
12 where we found a handful, five, ten maybe, writable CDs.

13 Q. And that's the area circled in black?

14 A. Yes, ma'am.

15 Q. And how do you know they were writable CDs,
16 what does that mean?

17 A. Writable CDs, generic CDs that we purchase
18 from the store for the purpose of the owner putting data
19 on them.

20 Q. And who collected those?

21 A. I did, ma'am.

1 Q. And how did you collect those?

2 A. They were collected, placed into a smaller
3 brown paper bag and placed inside the trunk, ma'am.

4 Q. In accordance with your regulations?

5 A. Yes, ma'am.

6 Q. And how about, you said there was another CD?
7 Where is that one?

8 A. That other CD was found here amongst these
9 boxes, ma'am.

10 Q. And that's circled in pink?

11 A. Yes, ma'am.

12 Q. What was that CD?

13 A. It was a CD, it was a writable CD that had
14 handwriting as well as a secret, a military secret
15 sticker on it, and some label maker sticker on it, ma'am.

16 Q. It had a label maker sticker? Do you remember
17 what that sticker said?

18 A. I believe it was 12 July 2007 engagement zone
19 30 CZ or something to that effect, ma'am.

20 Q. Would you remember that CD if you saw it
21 again?

1 A. I would, ma'am.

2 Q. Handing you what's been marked as prosecution
3 exhibit 15 for identification. Handing the witness
4 prosecution exhibit 15 for identification. Do you
5 recognize that?

6 A. Yes, ma'am.

7 Q. Can you tell us what it is?

8 A. This is the CD case that contained the
9 writable CD.

10 Q. And how do you know?

11 A. Because I'm the one that collected it, ma'am.

12 Q. Is there anything that stands out to you about
13 it?

14 A. Just the writing and all that was on it,
15 Reuters, F O I A, R E Q or request.

16 Q. And as best you can tell, has the evidence
17 changed in any way since you collected it?

18 A. Not that I can tell, ma'am.

19 Q. And when did you collect it?

20 A. I collected it the 28th of May, 2010, ma'am.

21 MS. OVERGAARD: The United States offers

1 what's been previously marked for identification as
2 prosecution exhibit 15 as prosecution exhibit 15.

3 THE COURT: Any objection?

4 MR. HURLEY: No objection, ma'am.

5 May we have a moment?

6 THE COURT: Yes. Just to make sure the
7 record is clear, prosecution exhibit 15 for
8 identification has one, two, three, four CDs in it. One
9 of them is relevant? One of them you're offering or --

10 MS. OVERGAARD: We're offering the whole
11 thing.

12 THE COURT: The whole thing. Okay.

13 Prosecution exhibit 15 is admitted.

14 MS. OVERGAARD: The government printed
15 prosecution exhibit 18 with the markings on it and moves
16 to admit it as prosecution exhibit 18 Alpha.

17 MR. HURLEY: No objection, ma'am.

18 MS. OVERGAARD: May I publish this, ma'am?

19 THE COURT: Yes.

20 BY MS. OVERGAARD:

21 Q. Agent Smith, is this -- how do you know that

1 this was a CD that you found?

2 A. I recognize the container that it was in and,
3 as I said previously, I recognize the actual markings
4 that are on the CD in question.

5 Q. Can you tell us what those specific markings
6 were?

7 A. The 12 July 07 CZ engagement zone 30 GC off
8 the label printer, and then also the DOD secret sticker
9 and the Reuters F O I A, R E Q, ma'am.

10 Q. Is that an official DOD secret sticker, do you
11 know?

12 A. It is, ma'am.

13 Q. How do you know that?

14 A. My time from working on the MI side of the
15 world, ma'am.

16 Q. And did you collect this CD?

17 A. I did, ma'am.

18 Q. How did you collect it?

19 A. I collected the entire case, placed it inside
20 a brown paper bag, and then it went into the black trunk
21 or the foot locker, it was locked up, ma'am.

1 Q. Did you collect anything else from the CHU?

2 A. Yes, ma'am. I collected an external hard
3 drive and a camera.

4 Q. I'm going to retrieve prosecution exhibit 15
5 and publish it.

6 Do you remember where the external hard drive
7 was found?

8 A. Yes. The external hard drive was found inside
9 a day sack belonging to PFC Manning.

10 Q. Can you show us where that is on the photo?

11 A. I can't make out specifically which one is the
12 day sack, but it would have been amongst his TA 50 there
13 inside the room at the foot of the bed now.

14 Q. What you circled in pink?

15 A. Yes, ma'am.

16 Q. And you also said you found a camera?

17 A. Yes, ma'am.

18 Q. Where did you find a camera?

19 A. The camera was found on top of the foot locker
20 here, ma'am.

21 Q. And that's what you circled in red?

1 A. Yes, ma'am.

2 Q. And who collected this evidence?

3 A. I did, ma'am.

4 Q. And why did -- who found the evidence?

5 A. Agent Toni Graham, ma'am.

6 Q. And why did you collect it?

7 A. It's easier for accountability and also for
8 documentation for one agent to collect all the evidence
9 out of the crime scene instead of having two or three
10 different people collecting one or two items, it's easier
11 to have one person collect and process all of the
12 evidence inside the crime scene, ma'am.

13 Q. How did you collect this evidence?

14 A. It was placed inside brown paper bags and then
15 placed into the foot locker and locked, ma'am.

16 Q. In accordance with your regulations?

17 A. Yes, ma'am.

18 MS. OVERGAARD: Ma'am, the government moves
19 to admit the photograph with the two circles on it, the
20 pink and red, as prosecution exhibit 18 Charlie or Bravo,
21 18 Bravo.

1 MR. HURLEY: We're on 18? This isn't 15?

2 THE COURT: I believe that is a good
3 clarification for the record. I believe you did call it
4 prosecution exhibit 15 before. Just so the record is
5 clear, we're talking about prosecution exhibit 18 and
6 this is 18 Bravo.

7 So you have no objection, right?

8 MR. HURLEY: I do not.

9 MS. OVERGAARD: Thank you, ma'am.

10 BY MS. OVERGAARD:

11 Q. And you mentioned before you sketched the area
12 as well. How did you do that?

13 A. I just conducted a pen and ink or a pen and
14 paper sketch at the scene, ma'am.

15 Q. Did you mark all the evidence that you
16 recovered?

17 A. Yes, ma'am.

18 MR. HURLEY: Ma'am, we're not going to have
19 an objection to the sketch (INAUDIBLE).

20 MS. OVERGAARD: United States moves to admit
21 what's been marked as prosecution exhibit 16 for

1 identification as prosecution exhibit 16.

2 THE COURT: All right. And you've got no
3 objection. Prosecution exhibit 16 for identification is
4 admitted.

5 MS. OVERGAARD: May I publish this, ma'am?

6 THE COURT: Yes.

7 BY MS. OVERGAARD:

8 Q. Agent Smith, who put the legend on the sketch?

9 A. I did, ma'am.

10 Q. And when did you do that?

11 A. The next morning after waking up and getting
12 oriented, ma'am.

13 Q. And can you orient us to this sketch?

14 A. Yes. The E and E to the CHU, entrance and
15 exit, is in the bottom right-hand corner of the picture,
16 ma'am.

17 Q. And where is all the evidence that you
18 collected, can you just point it out?

19 A. Yes, ma'am.

20 Right here in this area is where we collected
21 various CDs, they were both on top of and inside the

1 night stand.

2 Q. That's the red circle?

3 A. Yes, ma'am.

4 The green circle here is where we collected
5 the laptop computer from.

6 Q. And that's marked A and with a green circle?

7 A. Yes, ma'am.

8 F is the cardboard boxes where we collected
9 the CD case from marked in yellow.

10 G marked in -- okay. G marked in blue is
11 where the camera was collected off of.

12 And then right here where it says various TA
13 50 marked in pink was in amongst there, was his day pack
14 where we collected the hard drive off of, ma'am.

15 MS. OVERGAARD: Ma'am, the United States
16 moves to admit the marked up version of prosecution
17 exhibit 16 as prosecution exhibit 16 Alpha.

18 MR. HURLEY: No objection, ma'am.

19 THE COURT: All right. Prosecution exhibit
20 16 Alpha is admitted.

21 BY MS. OVERGAARD:

1 Q. What did you do with all the evidence?

2 A. The evidence was placed into brown paper bags,
3 placed into the foot locker and locked, ma'am.

4 Q. And did you search any other place? Did you
5 process any other crime scenes when you were at FOB
6 Hammer?

7 A. No, ma'am, I did not.

8 Q. And did anyone else on your team?

9 A. Agent Toni Graham did the supply room and
10 collected some evidence from there, ma'am.

11 Q. And what were you doing while Agent Graham was
12 searching the supply room?

13 A. I was guarding the evidence, I was doing
14 administrative stuff, I was preparing the sketches that
15 you saw. I was writing up the crime scene exam from the
16 night prior, ma'am.

17 Q. Did Agent Graham bring you any evidence that
18 she collected from the supply room?

19 A. Yes, ma'am, she did.

20 Q. Do you remember what she brought you?

21 A. She brought me one laptop computer and two

1 external hard drives.

2 Q. What were those external hard drives?

3 A. One NIPR and one SIPR, if I'm not mistaken.

4 Q. Were they government hard drives?

5 A. Yes, ma'am, they were.

6 Q. And what did you do when Agent Graham handed
7 you that evidence?

8 A. I typed up the 4187 and then those items, by
9 this time I had run out of brown paper bags, by this
10 time, so I typed up the EPCD and gave it to her to take
11 it back for signature and the actual evidence itself was
12 placed into the foot locker and locked, ma'am.

13 Q. And how do you know?

14 A. Because I'm the one that locked it up in
15 security, ma'am.

16 Q. Were all the pieces of evidence that your team
17 collected at FOB Hammer locked into that foot locker?

18 A. Yes, ma'am.

19 Q. And who guarded that foot locker?

20 A. I guarded it the majority of the time, ma'am,
21 except to go and eat one meal and showers. The rest of

1 the time when I was not guarding it it was under armed
2 guard by either the MI soldier that was present or by
3 Agent Toni Graham, ma'am.

4 Q. So was it guarded the whole time?

5 A. Yes, ma'am.

6 Q. Was it ever left unattended?

7 A. No, ma'am.

8 Q. And who maintained the keys to that foot
9 locker?

10 A. I did, ma'am.

11 Q. And after other people guarded the foot
12 locker, did you insure the sanctity of the evidence in
13 any other way?

14 A. I did, ma'am. Upon returning to the CHU and
15 taking over watch of the evidence I conducted a hundred
16 percent inventory of the evidence.

17 Q. What happened to the foot locker when you
18 wrapped up the investigation at FOB Hammer?

19 A. It was placed on to the chopper and was flown
20 back to VBC, ma'am.

21 Q. It was with you the whole time?

1 A. Yes, ma'am.

2 Q. What did you do with it when you got to Camp
3 Liberty?

4 A. Camp Liberty, we transferred it to FOB Liberty
5 where the actual CID office was, and the evidence was
6 transported there into the security safe inside the
7 office, ma'am.

8 Q. And what kind of safe is that?

9 A. It's a large metal wall locker that has a
10 metal hasp and a 5200 series lock on it, ma'am.

11 Q. And who took possession of the evidence -- did
12 it leave the locker at all?

13 A. It did. After we got back and got settled I
14 assigned all the evidence over to Agent Robertson, ma'am.

15 Q. Who is Agent Robertson?

16 A. He's an agent with the CCIU, computer crimes
17 investigative unit for CID out of Germany, ma'am.

18 Q. Was all of the evidence that you collected
19 from FOB Hammer turned over to Agent Robertson?

20 A. It was, ma'am.

21 Q. And you said you filled out the 4137?

1 A. Yes, ma'am.

2 Q. Do you know why Agent Robertson took
3 possession?

4 A. Agent Robertson was going to begin a triage
5 look at the evidence to see what if anything he could
6 find on the computers.

7 Q. And what role did you have in that process?

8 A. Outside of talking to him, you know, every now
9 and again to find out if he found anything, none.

10 Q. And how do you know the evidence went to him?

11 A. Because I did a hundred percent turnover of
12 the evidence to him.

13 Q. When was that?

14 A. 30 May 2010, ma'am.

15 Q. And before you turned that evidence over to
16 him, do you have any reason to believe that it suffered
17 any damage or contamination?

18 A. No, ma'am.

19 MS. OVERGAARD: Thank you.

20 THE COURT: Cross examination.

21 MR. HURLEY: Yes, ma'am.

1 CROSS EXAMINATION

2 BY MR. HURLEY:

3 Q. Special Agent Smith.

4 A. Yes, sir.

5 Q. You participated in drafting the investigation
6 plan for this case?

7 A. The investigative plan?

8 Q. Yes. Well, at some point it was determined
9 that canvass interviews would be done?

10 A. Yes, sir.

11 Q. And then a crime scene investigation would
12 occur?

13 A. Right. And that's standard, so --

14 Q. Right. So there wasn't much in terms of a
15 formal planning process to talk about what you would do
16 at FOB Hammer once you arrived?17 A. There was some discussion, but it was pretty
18 much segmented and everyone had their goal and their task
19 when they hit the ground, sir.20 Q. Right. And part of your goals and task was to
21 go to the TOC and to conduct canvass interviews?

1 A. Yes, sir.

2 Q. And you did that, except for briefing the
3 command, you did that immediately upon your arrival?

4 A. Yes, sir.

5 Q. And you talked to everyone you could find in
6 the S2 section?

7 A. Everyone that was identified as working on his
8 shift inside the SCIF, sir, yes.

9 Q. And that's both for the S2 section and the S4
10 section?

11 A. I don't know who was -- that night when I did
12 the canvass interviews, sir, I don't remember talking to
13 anyone from the S4. All the people I spoke to were from
14 the S2 side of the SCIF, sir.

15 Q. Let's just talk about canvass interviews
16 generally. You have a set series of questions that you
17 want to ask in a canvass interview?

18 A. Yes, sir.

19 Q. Now, that may not be all the questions you
20 ask, but the set ones that you ask are pretty standard?

21 A. Well, they're standard in reference to that

1 investigation, but I can't ask the same questions for a
2 computer crime as I would do for a sexual assault, sir.

3 Q. Right. Once you agree upon the questions in a
4 particular investigation, that's a series of questions?

5 A. Yes, sir.

6 Q. And the idea of a canvass interview is to
7 identify those people who you want to formally interview?

8 A. Yes, sir.

9 Q. So you're looking to get more information?

10 A. Yes, sir.

11 Q. And you mentioned now when you're doing,
12 that's any interview of any duration, you're going to
13 identify yourself?

14 A. Yes, sir.

15 Q. As a member of the criminal investigation
16 command?

17 A. Yes, sir.

18 Q. And you're going to identify generally what
19 you want to talk about?

20 A. Yes, sir.

21 Q. In this case you, a lot of the questions, your

1 set of questions identified PFC Manning?

2 A. Yes, sir.

3 Q. And in this canvass interview, if the witness
4 has more information, you're not going to stop him, are
5 you?

6 A. No, sir.

7 Q. And if they had something to say, you would
8 further develop that information?

9 A. Yes, sir.

10 Q. Do you recall specifically identifying any
11 individuals that you canvassed for additional interviews?

12 A. No, sir.

13 Q. And as you're interviewing these witnesses, if
14 someone would have told you more about PFC Manning, a lot
15 about PFC Manning, you would have identified that
16 individual for a follow-up interview?

17 A. Yes, sir.

18 Q. And that interview would be included in your
19 investigative report?

20 A. Yes, sir.

21 Q. And in all likelihood you'd write an agent

1 investigative report, an AIR on that interview as well?

2 A. When we do an AIR entry, but the AIR itself is
3 a living document covering a large aspect of it. There
4 would be an AIR entry pertaining to that interview, but
5 the AIR specific to that interview would not be done,
6 sir.

7 MR. HURLEY: Thank you, Special Agent Smith.
8 I have no further questions.

9 THE COURT: Any redirect?

10 MS. OVERGAARD: One moment, ma'am.

11 No, ma'am. Thank you.

12 THE COURT: All right. Special Agent Smith,
13 I just have a couple questions following up the cross
14 examination.

15 If I understood, did I understand your
16 testimony to be that you do canvass interviews with
17 people to determine whether they know something more that
18 maybe you need to develop further questions to flush out
19 that information from those people?

20 THE WITNESS: Right, ma'am. We usually go
21 into it and usually you start out with five or six

1 generic questions that you're going to ask everybody,
2 okay. And then if someone starts to give information
3 that's pertinent to that, at that point you start asking
4 follow-up questions pertaining to, pertaining to,
5 pertaining to it. And then at that point, hey, you know,
6 once you realize that that individual does have
7 significant information and all pertaining to the
8 investigation, at that point you can either pull them
9 aside and actually do a full interview of them, or you
10 can schedule an appointment for them to come in and
11 provide a statement, ma'am.

12 THE COURT: And the people that you
13 interviewed, I believe you said it was on the 28th of
14 May, 27th of May?

15 THE WITNESS: 27th.

16 THE COURT: Did you pull aside any of those
17 people for more significant interviews or were they all
18 at the canvass level?

19 THE WITNESS: They were all at the canvass
20 level because no one actually saw any misdoings on the
21 computers, ma'am, and that's what the canvass interview

1 is meant to do is to try and find an individual that
2 might have saw something, okay.

3 You know, a lot of his co-workers and all,
4 they saw the fight and all that took place in the SCIF.

5 THE COURT: Okay. I'm good.

6 Counsel, any follow-up from my questions?

7 MR. HURLEY: None from the defense, ma'am.

8 MS. OVERGAARD: Just one, ma'am.

9 REDIRECT EXAMINATION

10 BY MS. OVERGAARD:

11 Q. Does that mean that no statements were taken
12 from other people or just that you didn't take any?

13 A. I took one statement the time that I was at
14 FOB Hammer from Specialist or Private Satler or something
15 to that effect, and I don't remember if there was any
16 other statements taken while we were out there or not,
17 ma'am.

18 MS. OVERGAARD: Okay. Thank you.

19 THE COURT: All right. Anything from the
20 defense?

21 MR. HURLEY: No, ma'am.

1 THE COURT: All right. Temporary or
2 permanent excusal?

3 MS. OVERGAARD: Temporary, ma'am.

4 THE COURT: All right. Now, with the
5 temporary excusal -- well, we can talk about that as a
6 recess. Are we keeping people in the building or does it
7 vary witness by witness, what do you want to do?

8 MR. FEIN: May it vary witness by witness?
9 If there's an authentication issue, we'd recall for
10 instance, Mr. Smith, but other witnesses are being called
11 back knowing we're actually calling them back. So it
12 will vary by witness.

13 THE COURT: So when I temporarily excuse
14 witnesses they know where to go.

15 MR. FEIN: They absolutely know where to go.

16 THE COURT: All right. You're excused.
17 While excused, please don't discuss anything with anyone
18 other than counsel or the accused while the trial is
19 going on.

20 THE WITNESS: Thank you, ma'am.

21 MR. FEIN: United States requests a ten

1 minute recess, comfort break.

2 THE COURT: Court is in recess until 1530.

3 (BRIEF RECESS.)

4 THE COURT: Government, are you ready to call
5 your next witness?

6 MS. OVERGAARD: Yes, ma'am. The United
7 States calls Special Agent Toni Graham.

8 Whereupon:

9 TONI GRAHAM,
10 called as a witness, having been first duly sworn
11 according to law, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. OVERGAARD:

14 Q. And you are Special Agent Toni Graham?

15 A. Yes, ma'am.

16 Q. And what is your rank?

17 A. CID 2.

18 Q. Where are you currently assigned, Agent
19 Graham?

20 A. To the Hawaii CID office in Schofield
21 Barracks.

1 Q. And where is that?

2 A. Schofield Barracks, Wahiawa, Hawaii.

3 Q. What's your position?

4 A. I'm the general crimes team chief.

5 Q. And what does the general crimes team chief
6 do?

7 A. We supervise investigations on general crimes.

8 Q. And what are general crimes?

9 A. General crimes are all investigations with the
10 exception of sex offenses and drug offenses.

11 Q. What was your previous assignment?

12 A. General crimes team chief at the Fort Knox CID
13 office.

14 Q. And when were you at Fort Knox?

15 A. From 2009 to 2011.

16 Q. And before you were at Fort Knox where were
17 you assigned?

18 A. Fort Polk.

19 Q. And when was that?

20 A. 2005 to 2009.

21 Q. So how long have you been a CID agent?

1 A. For eight years.

2 Q. And how long have you been a warrant officer?

3 A. For four years.

4 Q. What did you do before you became a CID agent?

5 A. I was military police.

6 Q. And what did you do as a military police
7 officer?

8 A. As military police I worked patrol on the
9 road, I worked as a desk sergeant at the PMO, and I also
10 worked physical security at SCIFs.

11 Q. And could you explain those a little bit more?
12 What's patrol mean as an MP?

13 A. Patrol is like the regular what you think a
14 military cop, riding a patrol car, responding to
15 domestics.

16 Q. How about a desk sergeant, what is that?

17 A. Desk sergeant is like a supervisor for the
18 shift, you sit on the desk and receive calls from 9-1-1
19 complaints or anyone that has any kind of issue, and then
20 you have the patrols respond to the scenes.

21 Q. So how about you said physical security, what

1 is that?

2 A. Yes, ma'am. I worked physical security at a
3 SCIF in Fort Belvoir. Basically you just conduct
4 searches on people entering and exiting the SCIF and man
5 the location, make sure it's secured.

6 Q. Do you go into the SCIF at all?

7 A. Yes, ma'am.

8 Q. How often do you go into the SCIF?

9 A. Typically it's three times a day for patrols
10 or for security checks to make sure all the doors are
11 locked.

12 Q. So how long have you been in law enforcement
13 for the Army?

14 A. Thirteen years.

15 Q. And how long have you been in the Army?

16 A. Thirteen years.

17 Q. What training did you receive to become an MP?

18 A. As an MP we attend an OSUT training which is
19 just the MP.

20 Q. What is OSUT training?

21 A. One station unit training.

1 Q. And what training did you receive while you
2 were an MP, any advanced training?

3 A. I did. I attended the military police
4 investigations course.

5 Q. What do you learn there?

6 A. How to become a military police investigator.

7 Q. Does it involve any crime scene evaluation?

8 A. Yes, ma'am. It's crime scenes, interviews,
9 interrogations, collection of evidence, quick law
10 background, constitutional stuff, things like that,
11 amendment rights, and weapons training.

12 Q. Have you had any evidence collection training?

13 A. Yes, ma'am.

14 Q. And where was that?

15 A. That was at Fort Leavenworth, Missouri.

16 Q. What kind of training was it, or what school
17 was it?

18 A. The military police investigations course.

19 Q. What training have you received to become a
20 CID special agent?

21 A. Special agent course, basic fundamentals and

1 what to expect from you as a special agent.

2 Q. Is that your AIT?

3 A. Yes, ma'am.

4 Q. How about since you've been a CID special
5 agent, have you had any additional training?

6 A. Yes, ma'am, I have.

7 Q. What have you done?

8 A. I've attended the detective service course,
9 the advanced crime scene course, the special laboratory
10 training course, with advanced management, hostage
11 investigations, special victim's unit course, post box
12 investigation.

13 Q. So a lot of training?

14 A. Yes, ma'am.

15 Q. Did any of that training focus on crime scene
16 training?

17 A. Yes, ma'am.

18 Q. And what training focused on that?

19 A. The advanced crime scene examination course
20 focuses on that as well as special agent laboratory
21 course, laboratory training course.

1 Q. What does it mean to evaluate a crime scene?

2 A. Well, to evaluate a crime scene you respond to
3 a location where an alleged crime occurred and you
4 inspect the location for potential evidence, take
5 photographs, you sketch the area.

6 Q. Did any of your training focus on evidence
7 collection as well?

8 A. Yes, ma'am.

9 Q. And digital evidence collection?

10 A. Yes, ma'am.

11 Q. And what training focused on the collection of
12 digital evidence?

13 A. Digital evidence also covered advanced crime
14 scenes. It's also mentioned in the special agent
15 laboratory course. We also cover it in several of our
16 Army courses like B knock and advanced officer course and
17 advanced course. We also receive digital evidence
18 training either I would say every other month from our
19 local digital forensic examiner.

20 Q. What's the role of the local digital forensic
21 examiner?

1 A. They conduct forensic examinations on the
2 evidence we collect.

3 Q. Are they CID agents as well?

4 A. Yes, ma'am.

5 Q. So how do you collect digital evidence, what
6 have you learned?

7 A. Basically you remove the power source to the
8 item and collect the item, take it into your physical --

9 Q. I'm sorry.

10 A. All right.

11 Q. What did you learn about the preservation of
12 digital evidence?

13 A. So when an item is on say a monitor or a
14 computer is running, what we do when we collect, before
15 we collect it, we determine whether the item is
16 processing something, defragmenting or running some kind
17 of deletion program. If that is the case, then we remove
18 the power cord or the battery from the back of the device
19 immediately. If it's not doing that, then we take a
20 photograph of the screen and then remove the power cord
21 from the back or whatever power device.

1 Q. And then what do you do with the digital
2 evidence when you collect it, what process do you follow?

3 A. The mark it with the time and initial of the
4 time we collect it and we mark it on an evidence property
5 custody document.

6 Q. And what's the evidence property custody
7 document?

8 A. It is a document where we collect all items
9 that we are determining if it's evidence or not.

10 Q. Just generally what does it contain, what
11 information does it contain?

12 A. The top section of the document is
13 administrative data, who you're collecting it from, where
14 you are when you're collecting it. The center portion is
15 the description, quantity, how many items there are, what
16 is the item. You include serial numbers, any kind of
17 damage or anything that's unique to that item. You also
18 in there enter how you collected it, if you just
19 physically marked it with time, date and initials or
20 place it into a container with time, date and initials.

21 And then at the bottom portion of the

1 document is the chain of custody.

2 Q. How does someone know when they're getting
3 evidence that they're getting what they think they're
4 getting?

5 A. You can compare the actual piece of evidence
6 to the description of the evidence on the evidence
7 voucher.

8 Q. Does that happen every time?

9 A. Yes, ma'am. Unless it's sealed.

10 Q. And how do you know it happens every time?

11 A. It's part of the process and it's regulation.

12 Q. How many cases have you tried, or how many
13 cases have you worked as a CID agent?

14 A. Roughly, maybe a hundred a year.

15 Q. So about, you said eight years you've been a
16 CID agent, so about 800?

17 A. Yes, ma'am.

18 Q. And about how many computer crimes have you
19 investigated?

20 A. At least 15 a year, and every year that's
21 progressively more.

1 Q. And was there -- have you deployed to Iraq?

2 A. Yes, ma'am.

3 Q. Do you remember when that was?

4 A. Yes.

5 Q. Can you tell us when it was?

6 A. From April 2010 through March of 2011.

7 Q. So that was out of Fort Knox?

8 A. Yes, ma'am.

9 Q. Where were you stationed when you deployed?

10 A. I was stationed, I was assigned to the Baghdad
11 CID office at Camp Liberty.

12 Q. What was your position at Camp Liberty?

13 A. I was a senior case agent and the assistant
14 special agent in charge.

15 Q. What did you do as the senior case agent and
16 the assistant special agent in charge?

17 A. As the assistant special agent in charge,
18 anytime the SAC is out of the office you step in and
19 assume responsibility. As a senior case agent you work
20 cases just like anyone else.

21 Q. Are you the most senior case agent in the

1 office?

2 A. Yes, ma'am. With the exception of the SAC.

3 Q. How did you first become involved in this
4 particular case?

5 A. I was notified by the SAC on the morning of 27
6 May 2010 to report to our battalion regarding an
7 allegation.

8 Q. And what did you learn?

9 A. There I learned we received information, or
10 headquarters received information from the FBI that was
11 from a non-government agency wherein their confidential
12 informant had communication with PFC Manning wherein he
13 had related that he had obtained secret documents for
14 personal use.

15 Q. And did you receive any specific evidence?

16 A. Yes. They were chat logs.

17 Q. And did you look at those chat logs?

18 A. Yes, ma'am.

19 Q. Who was on those chat logs?

20 MR. HURLEY: Objection (INAUDIBLE).

21 THE COURT: Hold on. Sustained.

1 BY MS. OVERGAARD:

2 Q. So you said you found chat logs. What did
3 your office do once you received that information?

4 A. Upon receiving the chat logs we were able to
5 corroborate as much information in there as we could as
6 far as the details provided by PFC Manning to the source.

7 Q. Did you corroborate that information?

8 A. Yes, ma'am, there were several pieces that we
9 were able to corroborate.

10 Q. What did you corroborate?

11 A. Basically most of his military information
12 that he had mentioned in the chat logs. Some of his
13 personal information that we were able to obtain from
14 social network sites that he had posted in both the
15 network site and the chat logs.

16 Q. What did you do after reviewing this
17 information?

18 A. I drafted an affidavit and went to the
19 military magistrate for a search authorization.

20 Q. Did you get the authorization?

21 A. Yes, ma'am, I did.

1 Q. And do you remember what you got the
2 authorization for?

3 A. I requested to seize his assigned work
4 terminals and all of his personal computers or storage
5 devices, media storage devices that were at FOB Hammer.

6 Q. And what did you do after you got the
7 authorizations?

8 A. We gathered a team and we proceeded to FOB
9 Hammer that night.

10 Q. What was the first thing that you did when you
11 got to FOB Hammer?

12 A. First thing. We met with Staff Sergeant
13 Bigelow and Captain Freiberg who was the HOC commander
14 and they escorted us to a location where we could
15 designate our own, and then we briefed the chain of
16 command on the FOB.

17 Q. Who traveled with you?

18 A. It was myself, Special Agent Tom Smith,
19 Special Agent Jean Lisandre and Counter Intelligence
20 Special Agent Nathan Langley.

21 Q. What was your role in that team?

1 A. I was the team chief for the mission.

2 Q. What does that mean?

3 A. Supervisor.

4 Q. So you said you briefed the chain of command.

5 Why did you brief the chain of command?

6 A. Upon arrival we briefed the chain of command
7 basically to let them know what the allegation was, that
8 we had obtained a search authorization and we would be
9 collecting certain items, and just to let them know that
10 we would be affecting their normal operations for the
11 next couple days.

12 Q. Do you remember what day that was?

13 A. That was on the evening of 27 May 2010.

14 Q. Where did you go first after you briefed the
15 chain of command, or where did you go after you
16 designated your area you said?

17 A. After we designated our area as the chain of
18 command.

19 Q. And after that where did you go?

20 A. From there we went to the SCIF there on the
21 TOC.

1 Q. What did you do at the SCIF?

2 A. There we began canvass interviews.

3 Q. And why did you start at the SCIF?

4 A. Because that is the location that was most
5 logical being that that's where PFC Manning was working
6 at the time of the chat logs or at the time.

7 Q. How did you know he was working there?

8 A. Through his chain of command.

9 Q. And who, just generally, who did you interview
10 at the S2?

11 A. We conducted canvass interviews of the S2
12 section.

13 Q. And who in particular?

14 A. Basically all the people that were on mid
15 shift there at the time we arrived, and then we slowly
16 worked through the rest of the S2 section, the day shift
17 and the rest of the individuals.

18 Also, we briefed the S4 section or canvassed.

19 Q. The S4 section?

20 A. Yes, ma'am.

21 Q. Okay. What was the rest of your team doing?

1 A. Agent Smith was also conducting canvass
2 interviews with me. Agent Langley was as well until he
3 went with Agent Lisandre.

4 Q. And was there a time that you started
5 processing the scene?

6 A. Yes, ma'am. During the canvass interview
7 Agent Smith broke off from the canvasses and began
8 processing the SCIF of the crime scene.

9 Q. And do you know what he did to examine the
10 crime scene?

11 A. Well, because it was a SCIF there was top
12 secret information on the wall so we had to do a little
13 sanitizing, covering up the photos on the wall and
14 collecting evidence.

15 Q. Did he collect any evidence?

16 A. Yes, he did.

17 Q. And do you know what he collected?

18 A. Yes, ma'am.

19 Q. How do you know?

20 A. Because I observed him doing that.

21 Q. What did he collect?

1 A. He collected two SIPR terminals and one NIPR
2 terminal.

3 Q. Do you remember where he collected those items
4 from?

5 A. Yes, ma'am.

6 MS. OVERGAARD: Ma'am, permission to publish
7 prosecution exhibit 17.

8 THE COURT: All right.

9 BY MS. OVERGAARD:

10 Q. Are you familiar with this sketch?

11 A. Yes, ma'am, I am.

12 Q. And how are you familiar with this sketch?

13 A. This is the rough sketch of the SCIF FOB
14 Hammer, and I also verified this piece of paper.

15 Q. What does it mean to verify a sketch?

16 A. It's accurate to the best of its ability.

17 Q. Does this sketch accurately depict what was
18 collected from the SCIF on 27 May?

19 A. Yes, ma'am.

20 Q. And to your knowledge, did your team's
21 collection of this evidence follow your regulations?

1 A. Yes, ma'am.

2 Q. And do you have any reason to believe that
3 evidence suffered any damage or contamination?

4 A. No, ma'am.

5 Q. Do you know where the evidence was stored?

6 MR. HURLEY: We would object as to the
7 cumulative nature of this evidence. We've heard this.

8 THE COURT: Why are we going through this
9 again? Is there a reason?

10 MS. OVERGAARD: We're quickly going over some
11 of the first (INAUDIBLE) supervisor capacity, and
12 (INAUDIBLE).

13 THE COURT: Defense, do you have an objection
14 that there's some taint in the evidence when the CID
15 agent had it?

16 MR. HURLEY: No, ma'am.

17 THE COURT: Move on.

18 MS. OVERGAARD: Can I have one moment,
19 please, ma'am?

20 THE COURT: Yes.

21 BY MS. OVERGAARD:

1 Q. Agent Smith, you said that -- I'm sorry.
2 Agent Graham, you said that you also talked to S4
3 personnel. What is S4?

4 A. The supply section, ma'am.

5 Q. And did you search the supply room?

6 A. I looked in the supply room, yes, ma'am.

7 Q. Why was that?

8 A. It was identified that there was additional
9 pieces of possible evidence in the supply room.

10 Q. How did you know that?

11 A. When canvass interviewing Staff Sergeant
12 Bigelow who was the supply room NCOIC, he had informed me
13 that Manning was transferred over there and there were
14 two terminals in that room that he was using in during a
15 probably two week period of time.

16 Q. And did you collect any evidence from the
17 supply room?

18 A. Yes, ma'am.

19 Q. And what did you collect?

20 A. I collected the hard drive from the SIPR
21 computer in the supply room and a hard drive from the

1 NIPR computer in the supply room.

2 Q. And what did you do with that evidence when
3 you collected it?

4 A. Collected it on an evidence property document
5 and placed them into an envelope.

6 Q. And where did you take that evidence?

7 A. To Agent Smith, transferred control over to
8 him, and he placed them into the foot locker.

9 Q. And who was responsible for the foot locker?

10 A. Agent Smith.

11 Q. Did everything you collect go into that foot
12 locker?

13 A. Yes, ma'am.

14 MS. OVERGAARD: Nothing further, ma'am.

15 THE COURT: Cross.

16 CROSS EXAMINATION

17 BY MR. HURLEY:

18 Q. Special Agent Graham, let's first talk about
19 your interactions with PFC Manning. You saw PFC Manning
20 on FOB Hammer?

21 A. Yes, sir.

1 Q. You saw him several times?

2 A. At least two that I can recall.

3 Q. Every time you saw him he was under escort?

4 A. Technically, yes, yes, sir.

5 Q. Thank you.

6 Let's talk about the canvass interviews that
7 you conducted. Those canvass interviews you said you
8 talked to people from the S2 section?

9 A. Yes, sir.

10 Q. And the S4 section?

11 A. Yes, sir.

12 Q. And in interviewing generally, in all of your
13 experience and training, you will typically start an
14 interview of whatever length by identifying yourself?

15 A. Yes, sir.

16 Q. And identifying the topic generally that
17 you're talking to this person about?

18 A. Depends, sir.

19 Q. Well, in this particular case you had
20 identified about seven canvassing questions that you were
21 going to use?

1 A. Right, to start off, yes, sir.

2 Q. And those canvassing questions all mentioned
3 PFC Manning by name, or a few of them certainly did?

4 A. I'm sure a majority of them did.

5 Q. Now, you used a canvass interview to identify
6 witnesses that you want to do more detailed interviews
7 with?

8 A. Yes, sir.

9 Q. And the investigator that's conducting this is
10 actually actively looking for information while doing it,
11 or let's not speak in the third person. When you do
12 these canvass interviews, you're actively looking for
13 more information?

14 A. Yes, sir.

15 Q. And you're not going to stop anyone from
16 talking to you, are you?

17 A. No, sir.

18 Q. If they're telling you relevant information,
19 you're going to take it all down and even ask follow-up
20 questions?

21 A. Absolutely, sir, yes.

1 Q. So those questions, those seven questions that
2 we talked about, those weren't all the questions you
3 asked?

4 A. Not on every individual, but that was the
5 probing questions that we began with every individual.

6 Q. Right. And you can recall identifying certain
7 witnesses for follow-up?

8 A. Yes, sir.

9 Q. For instance, you did a follow-up interview
10 with Captain Lemm who was the OSC of the brigade S2
11 section?

12 A. I don't know, sir. We didn't obtain a sworn
13 statement from Captain Lemm.

14 Q. What about Captain Freiberg, do you recall
15 doing a more in-detail interview with him?

16 A. Yes, sir, but not because of the canvass
17 interviews.

18 Q. And what about Sergeant Bigelow, was that
19 because of the canvass interviews or did you -- first
20 off, did you do a more detailed interview with Sergeant
21 Bigelow?

1 A. Yes, sir, we did.

2 Q. Was that because of the canvass interviews?

3 A. No, sir. As part of the canvasses we did
4 interview him, but we had identified him upon our
5 immediate arrival that he was going to be someone we
6 probably interview.

7 Q. So if a witness had told you they knew why PFC
8 Manning disclosed information, you would have followed up
9 on that?

10 A. Yes, sir.

11 Q. And as the senior person on the ground, you
12 would expect another person conducting a canvass
13 interview, you would expect that person to relate that
14 information to you?

15 A. Yes, sir.

16 Q. Let's talk about FOB Hammer. You were there
17 for approximately five days, is that right?

18 A. I can't recall, but it was a couple of days,
19 yes, sir.

20 Q. About a week maybe?

21 A. Maybe.

1 Q. And this is in late May and early June of
2 2010?

3 A. Yes, sir.

4 Q. And do you recall any enemy activity on the
5 FOB?

6 A. Not at the time we were there, no, sir.

7 Q. So no mortars --

8 A. No, sir.

9 Q. -- that you can recall, or small arms fire?

10 A. No, sir.

11 MR. HURLEY: Thanks, Special Agent Graham.

12 THE COURT: Redirect.

13 MS. OVERGAARD: No, ma'am.

14 THE COURT: All right. Temporary or
15 permanent excusal?

16 MS. OVERGAARD: Temporary, ma'am.

17 THE COURT: Hold on. Government, do you want
18 to confer?

19 MS. OVERGAARD: One moment, please, ma'am.

20 (DISCussion OFF THE RECORD.)

21 MS. OVERGAARD: No, ma'am. Temporary

1 excusal.

2 THE COURT: All right. You are temporarily
3 excused. Please don't discuss your testimony or
4 knowledge of the case with anyone other than counsel or
5 the accused while the trial is going on.

6 THE WITNESS: Yes, ma'am.

7 THE COURT: Thank you.

8 Government ready to call your next witness?

9 MS. OVERGAARD: Yes, ma'am. The United
10 States calls specialist Eric Baker.

11 Whereupon:

12 ERIC BAKER,
13 called as a witness, having been first duly sworn
14 according to law, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. OVERGAARD:

17 Q. And you are Specialist Eric Baker?

18 A. Yes, ma'am, I am.

19 Q. What's your current unit, Specialist Baker?

20 A. My current unit is 491 in Fort Hood, Texas.

21 Q. What's your current position there?

1 A. Military police officer.

2 Q. How long have you been a military police
3 officer?

4 A. For five years.

5 Q. And how long have you been in the Army?

6 A. For five years, ma'am.

7 Q. Where were you assigned before you were at
8 Fort Hood?

9 A. I was stationed at Fort Drum, New York, in the
10 Second Brigade, Tenth Mountain.

11 Q. And when were you at Fort Drum?

12 A. From January -- no. From June of 2008 until
13 August of 2012.

14 Q. And you were with 210 the whole time?

15 A. I went to 62nd MP detachment in February of
16 2011 while I was there.

17 Q. What's 62nd MP detachment?

18 A. CID unit.

19 Q. CID. What do you do as an MP with CID?

20 A. For an MP is a drug suppression team. I was
21 an investigator on the drug suppression team.

1 Q. While you were at Fort Drum did you meet PFC
2 Manning?

3 A. Yes, ma'am.

4 Q. And how did you meet him?

5 A. I met him when he first got there, when he
6 first got to Fort Drum, he was looking for somebody's
7 Internet to use.

8 Q. Were you in the same unit?

9 A. Yes, ma'am. We were in the same company.

10 Q. Same company. Do you remember when that was?

11 A. I don't remember the exact month.

12 Q. Approximately.

13 A. No, not approximately.

14 Q. Do you remember when he arrived at the unit?

15 A. I think it was around June or July of 2008.

16 Q. 2008?

17 A. Yes, ma'am.

18 Q. And when was the next time you remember seeing
19 PFC Manning?

20 A. The next time I seen him was the first joint
21 readiness training center rotation at Fort Polk,

1 Louisiana.

2 Q. So what's the joint readiness training?

3 A. It's training for your deployment.

4 Q. And what training do you receive?

5 A. That one was geared towards Afghanistan at the
6 time.

7 Q. Do you remember when that was?

8 A. Yes, ma'am. That was September of 2008.

9 Q. And you said the accused was there?

10 A. Yes, ma'am, he was.

11 Q. How do you know that?

12 A. We slept in the same building.

13 Q. Did he also attend the training?

14 A. Yes, ma'am, he did.

15 Q. Did your unit attend another JRT training?

16 A. Yes, ma'am, we did.

17 Q. And do you remember when that was?

18 A. That one was September of '09.

19 Q. What did that training focus on?

20 A. That one was focused on Iraq, our deployment
21 got changed to Iraq.

1 Q. Was the accused also at that training?

2 A. Yes, ma'am, he was.

3 Q. How do you know that?

4 A. We slept in the same building again.

5 Q. Do you remember when you deployed, do you
6 remember what month that was?

7 A. Yes, ma'am. It was October of 2009.

8 Q. And how long were you deployed for?

9 A. From October of 2009 till August of 2010.

10 Q. And did you go with the rest of your unit?

11 A. I was part of the advance, the torch party.

12 Q. Was that with 210?

13 A. Yes.

14 Q. And what does it mean to be part of the torch
15 party?

16 A. We flew before the rest of the unit started
17 flying. We arrived in Kuwait and we waited in Kuwait
18 until the last group flew out to Iraq and we flew with
19 the last group.

20 Q. So how long was the rest of your unit in
21 Kuwait?

1 A. I'd say about a week or two maybe at the most.

2 Q. When did you arrive in Iraq?

3 A. November of 2009.

4 Q. And how about the majority of 210, do you know
5 when they arrived?

6 A. I think the end of October is when they should
7 have been there.

8 Q. What was your interaction with the accused
9 during the deployment?

10 A. He was my roommate.

11 Q. Was that for the entire time you were
12 deployed?

13 A. Yes, ma'am, from about November of 2009 to May
14 of 2010.

15 Q. You were roommates the whole time?

16 A. Yes, ma'am.

17 Q. How are roommates assigned?

18 A. Assigned by the first sergeant.

19 Q. So you didn't choose your roommate?

20 A. No, ma'am.

21 Q. Was the accused in theater for the entire

1 deployment?

2 A. Other than his leave, yes, ma'am.

3 Q. Do you remember when he went on leave?

4 A. Yes, ma'am. From the middle of January to --
5 I don't know exactly when he came back because I went two
6 weeks after he left.

7 Q. How long is the amount usually?

8 A. Usually for two weeks.

9 Q. Any travel time in there, too?

10 A. Yes, ma'am, travel time is added to that.

11 Q. So do you know approximately when he returned?

12 A. No, I do not.

13 Q. And when did you say you left?

14 A. I left the end of January.

15 Q. And he wasn't back yet?

16 A. No, ma'am.

17 Q. And when did you come back?

18 A. I came back the beginning, the first week of
19 March.

20 Q. So you were gone for the entire month of
21 February and into March?

1 A. Yes, ma'am. I got stuck in Kuwait on the way
2 back.

3 Q. Was the accused there when you returned?

4 A. Yes, ma'am, he was.

5 Q. What kind of -- where did you sleep when you
6 were in Iraq?

7 A. I slept in an a CHU.

8 Q. What's that?

9 A. It's like a, it's like a trailer divided into
10 three rooms.

11 Q. How did you divide your room with PFC Manning?

12 A. Our room was divided, my bed was by the door
13 and his bed was by the back wall. We had two night
14 stands, our stuff on separate sides.

15 Q. Were you generally familiar with your
16 roommate's belongings that he kept in the CHU?

17 A. I'd say familiar at least what was in there.

18 Q. And what kind of, do you remember what kind of
19 computer equipment he had?

20 A. Yes, ma'am.

21 Q. And what was it?

1 A. He had a Mac Book Pro, a hard drive, I
2 remember an iPod Touch, and a microphone with some
3 headphones.

4 Q. And you remember seeing all those in your
5 room?

6 A. Yes, ma'am.

7 Q. Was that for the entire deployment?

8 A. I'd say the hard drive I can't remember being
9 there afterwards.

10 Q. After what?

11 A. After his leave.

12 Q. You remember the Mac being there?

13 A. Yes, ma'am.

14 Q. And that was from November to May?

15 A. Yes, ma'am.

16 Q. Was there any, did your roommate keep any
17 digital media in the CHU?

18 A. Like CDs.

19 Q. What kind of CDs?

20 A. Like the blank CDs, like the standard CDs
21 you'd get from your unit supply.

1 Q. And how many did he have around?

2 A. I'd say about two cases.

3 Q. How many are in a case?

4 A. Usually five.

5 Q. And do you remember any particular time that
6 you noticed those CDs around?

7 A. I don't remember the exact time that I noticed
8 it.

9 Q. Were any of them labeled?

10 A. No, ma'am.

11 Q. And where were they usually kept or where were
12 they kept?

13 A. I think by the time I noticed them they were
14 on like the night stand.

15 Q. Did you ever use any of these discs?

16 A. No, ma'am, I didn't.

17 Q. And did you ever ask your roommate why he had
18 so many of these rewritable discs?

19 A. Yes, ma'am, I did.

20 Q. Why did you ask him that?

21 A. I just thought it was a little weird because

1 he had an iPod and so I was kind of confused.

2 Q. What did he say when you asked him that?

3 A. He said they were to bring music into the SCIF
4 because he couldn't take his iPod in there.

5 Q. Did you ever have any blank CDs in the CHU?

6 A. No.

7 Q. And did you ever see any blank CDs in the CHU
8 marked secret?

9 A. No, ma'am.

10 Q. Did you ever bring anything in the CHU marked
11 secret?

12 A. No, ma'am.

13 Q. And you mentioned a Mac Book Pro. Where did
14 you say or did you say where he kept his laptop?

15 A. No, ma'am. His laptop was beside his bed on
16 the, I guess on a laptop stand facing his bed.

17 Q. Did you ever use that laptop?

18 A. No, ma'am.

19 Q. How often was that laptop in your room?

20 A. I'd say every day from the time, from November
21 from when I was there until May.

1 Q. Did you ever see your roommate using it?

2 A. Yes, ma'am.

3 Q. How often did he use it?

4 A. Pretty much daily.

5 Q. And were you two on the same shift?

6 A. Before both of us had went on our block leave
7 we were on the same shift.

8 Q. And how about after?

9 A. After it got changed up a little bit.

10 Q. So how did you know that he used it daily?

11 A. Beforehand we'd be on the same shift, pretty
12 much use it I guess until he was going to sleep, and I'd
13 say a few times like I'd wake up and he'd still be on it.

14 Q. Did you ever see what he was doing on that
15 computer?

16 A. No, ma'am.

17 Q. What did your roommate do in his spare time?

18 A. Used his computer, asked to go to the AP
19 trailer, usually I see him sometimes at the smoke pit.

20 Q. Did your roommate send a lot of packages?

21 A. I wouldn't say sending a lot like -- how do

1 you mean, ma'am?

2 Q. Was there ever a time when you noticed that he
3 sent numerous packages?

4 A. Yes, ma'am. It was only once though.

5 Q. Okay. So one time. How many did you notice?

6 A. I don't remember how many he sent.

7 Q. Less than five?

8 A. Yeah, I'd say probably about less than five.

9 Q. And do you remember when that was?

10 A. The end of April.

11 Q. How do you remember that?

12 A. Because everybody thought we were going home
13 early, usually everybody will send packages around the
14 same time.

15 Q. Did you ever see any books about computers in
16 your room?

17 A. Not until after his belongings were taken out
18 of the room.

19 Q. Okay. Were they -- so you did see books?

20 A. Yes, ma'am.

21 Q. Were they, they were his books?

1 A. I'd assume so.

2 Q. Were they yours?

3 A. No, ma'am.

4 Q. Were they in your room?

5 A. Yes, ma'am.

6 Q. What kind of books did you see?

7 A. Like Net Plus, C Plus and like Linux.

8 Q. And what are those, do you know?

9 A. Like hardware and software books.

10 Q. When were you first contacted by CID for this
11 particular case?

12 A. The day they came and searched our room.

13 Q. Can you tell us about that?

14 A. Yes, ma'am. They came, they asked me to point
15 out like which side was mine, which stuff was mine and
16 which stuff was not mine.

17 Q. And what did you tell them?

18 A. I told them everything on the left side of the
19 room, to the left, on the left of the night stand was
20 mine, and everything on the right side was his.

21 Q. Did the agents take any of your property?

1 A. No, ma'am, they didn't.

2 MR. COOMBS: Your Honor, at this point the
3 defense would stipulate that the items seized by the
4 agents were my client's items and not the witness's
5 items.

6 THE COURT: All right.

7 MS. OVERGAARD: Can we have a quick recess in
8 place?

9 THE COURT: Certainly.

10 (BRIEF PAUSE.)

11 MS. OVERGAARD: No further questions, ma'am.
12 Thank you.

13 THE COURT: All right.

14 Cross examination.

15 MR. COOMBS: Yes, Your Honor.

16 CROSS EXAMINATION

17 BY MR. COOMBS:

18 Q. Specialist Baker, how are you?

19 A. I'm doing all right, sir.

20 Q. Good. I just have a few questions for you.
21 You indicated that you were one of the last individuals

1 to leave Kuwait and then get to Iraq, is that correct?

2 A. Yes, sir.

3 Q. And when you arrived, you were also one of the
4 last people to get a roommate?

5 A. Yes, sir.

6 Q. And at the time you were assigned by the first
7 sergeant to be PFC Manning's roommate?

8 A. Yes, sir.

9 Q. Because he was one of the last people who
10 didn't have a roommate?

11 A. Yes, sir.

12 Q. Now, even though you're roommates, it's fair
13 to say that you and PFC Manning weren't friends?

14 A. Yes, sir, it's fair to say.

15 Q. The two of you really didn't hang out?

16 A. No, sir, we didn't.

17 Q. Didn't have much in common?

18 A. No, sir.

19 Q. And the two of you really didn't talk very
20 much?

21 A. No, sir.

1 Q. You talked about some of the observations on
2 direct of seeing where PFC Manning would go and what he
3 would do. Fair to say that you didn't really see him
4 hang out with too many people?

5 A. No, sir, I didn't.

6 Q. In fact, if he wasn't in his room on the
7 computer, he was in the smoke pit, is that correct?

8 A. Yes, sir, I would say that.

9 Q. And when he was in the smoke pit he was by
10 himself?

11 A. Yes, sir, he was.

12 Q. And if he wasn't in the smoke pit or on his
13 computer in his room, he was going to the PX, right?

14 A. Yes, sir.

15 Q. And, again, going by himself?

16 A. Yes, sir.

17 Q. You said a couple times that you would wake up
18 and you would see him on the computer?

19 A. Yes, sir.

20 Q. And he was essentially just typing?

21 A. I don't remember exactly. Sometimes I just

1 assume like he was chatting with somebody, so I didn't
2 pay attention.

3 Q. So you saw him, what you thought was he was
4 chatting with somebody?

5 A. Yes, sir.

6 Q. And from your observations, did PFC Manning
7 seemed to spend most of his time on the computer?

8 A. Yes, sir.

9 Q. That seemed to be the main source of
10 friendship that he had there?

11 A. Yes, sir.

12 Q. You talked about some items being sent back in
13 April, is that correct?

14 A. Yes, sir.

15 Q. And that was basically because everyone kind
16 of thought maybe we're going to go back in April, right?

17 A. Yes, sir.

18 Q. And people, not uncommon to pack up items you
19 don't want to lug all the way back with you, you want to
20 ship them back?

21 A. Yes, sir.

1 MR. COOMBS: Thank you, Specialist Baker.

2 THE COURT: Redirect?

3 MS. OVERGAARD: No, ma'am.

4 THE COURT: Temporary or permanent excusal?

5 MS. OVERGAARD: Temporary, ma'am.

6 THE COURT: All right. Specialist Baker,
7 you're temporarily excused, please don't discuss your
8 testimony or knowledge of the case with anyone other than
9 counsel or the accused while the trial is still going on.

10 You're free to return to the waiting room.

11 For the record, although the government asked
12 for a recess the court, the court did recess the court
13 and I never called the court back to order.

14 MS. OVERGAARD: Your Honor, at this time the
15 United States has a stipulation of expected testimony of
16 Sergeant Mary Amatoo.

17 THE COURT: All right. Do you want to
18 publish it?

19 MS. OVERGAARD: Yes, ma'am.

20 THE COURT: Go ahead.

21 MS. OVERGAARD: It is hereby agreed by the

1 accused defense counsel and trial counsel that if
2 Sergeant Mary Amatoo were present to testify during the
3 merits and presentencing phases of this court-martial she
4 would testify substantially as follows:

5 I am currently the S1 MCO for the Sixth
6 Engineer Battalion at Fort Richardson, Alaska. I've held
7 this position for two months. Previously I was the
8 strength accounting clerk for U.S. Central Command G1 at
9 Camp Arifjan, Kuwait. I held that position from October
10 of 2011 until October of 2012.

11 In that position I helped account for
12 personnel coming in and out of theater, moving from place
13 to place within theater and changing duty status. I
14 provided battle management update briefs and worked with
15 the deployed theater accounting system. I also worked
16 with the joint asset movement management system.

17 With regard to this particular investigation,
18 I provided investigators from the Army Criminal
19 Investigation Command, CID, a printout from JAMS on PFC
20 Manning. JAMS is a system that captures movement and
21 location information about operating forces, government

1 civil servants, and government contractors through data
2 collection points established in specified operational
3 theaters.

4 These collection points are, for example,
5 dining facilities, points of debarkation, and fuel
6 points. Operational theaters include Kuwait, Afghanistan
7 and Iraq. (INAUDIBLE) JAMS would record the dates PFC
8 Manning scanned himself in and out of the Department of
9 Defense, DOD, facilities using his card such as dining
10 facilities, PX and points of debarkation into and out of
11 Iraq, (INAUDIBLE).

12 When providing this report I also signed and
13 notarized an attestation certificate identified as
14 00412522 regarding the authenticity of the information.

15 As a former strength accounting clerk I am
16 familiar with JAMS reports. I've read them before. I
17 therefore understand this JAMS report I provided
18 identified as Bates numbers 004125233, 00412522 to show
19 that the service member named Manning, Bradley, whose
20 last four Social Security digits are 9504 came into and
21 out of Iraq several times.

1 For example, on page nine of this document it
2 shows that on 26 October 2010, PFC Manning signed into
3 the (INAUDIBLE) in Kuwait, but by 28 October, 2010 was
4 using the (INAUDIBLE) in Iraq.

5 Page eight shows Bradley Manning departed
6 Iraq on 28 January 2010, and then entered again via
7 Kuwait on 11 February 2010.

8 I'm going to repeat that sentence, ma'am, in
9 case I read it wrong.

10 Page eight shows Bradley Manning departed
11 Iraq on 22 January 2010, and then departed again via
12 Kuwait on 11 February 2010. Gaps like this are normal
13 when a soldier leaves a deployment such as a (INAUDIBLE).
14 Page eight shows further that PFC Manning was using the
15 FOB Hammer by (INAUDIBLE).

16 Lastly, page one showed that PFC Manning
17 boarded an outbound flight from Iraq on 30 May 2010.

18 And based on this stipulation, the government
19 would like to offer what's been marked for, as
20 prosecution exhibit 22 for identification as prosecution
21 exhibit 22, ma'am.

1 MR. HURLEY: No objection.

2 THE COURT: May I see it, please?

3 Prosecution exhibit 22 for identification is
4 admitted.

5 Government, are you ready to call your next
6 witness or do we need a recess?

7 MR. FEIN: Your Honor, the United States
8 requests a 15 minute recess and a brief 802.

9 THE COURT: All right. Any objection?

10 MR. COOMBS: No objection, Your Honor.

11 THE COURT: Court is in recess then until
12 1635 or 4:35.

13 (BRIEF RECESS.)

14 THE COURT: Is the government ready to
15 proceed?

16 MR. MORROW: Stipulation of expected
17 testimony for Special Agent Calder Robertson.

18 It is hereby agreed by the accused, defense
19 counsel and trial counsel that if Special Agent Calder
20 Robertson were present to testify during the merits and
21 presentencing phases of this court-martial he would

1 testify substantially as follows:

2 I am a special agent with the computer crime
3 investigative unit, CCIU, of the U.S. Army criminal
4 investigation command, CID. I have been with CCIU since
5 March 2006. In February 2010 I became the special agent
6 in charge, SAC, of the Europe branch office of CCIU.

7 In my current capacity I am responsible for
8 conducting and overseeing the conduct of large scale
9 complex criminal investigations associated with high
10 technology, including insider threat and computer
11 intrusions into the critical information architecture of
12 the United States Army.

13 Among other things, this work includes
14 conducting interviews, executing search warrants,
15 processing crime scenes, collecting and handling physical
16 evidence, obtaining forensic images of digital evidence,
17 conducting forensic examinations and preparing
18 comprehensive reports for supported officials and
19 prosecutors.

20 I have testified several times in judicial
21 proceedings. Because I am in charge of the Europe branch

1 office of CCIU, I have responsibility for investigating
2 cyber crime incidents in Europe and Africa as well as
3 providing rapid response to southwest Asia, Iraq and
4 Afghanistan.

5 Additionally, I was recently selected to
6 establish the Pacific branch office of CCIU with
7 responsibility for investigating U.S. Army cyber crime in
8 the Pacific. In April 1998 to October of 2003 I held
9 (INAUDIBLE) that was responsible for investigating
10 criminal offenses with an Army nexus.

11 I received a bachelor's of science, BS, in
12 psychology in 2006 and have been a certified computer
13 crime investigator through the Defense Cyber Crime
14 Center, DCCC, since 2007. In 2010 I was awarded the U.S.
15 Army Chief of Battle for distinguished civilian service
16 as a civilian special agent for Army CID. I received
17 numerous other awards in my civilian and military
18 capacities.

19 I have received extensive training from the
20 Defense Cyber Investigation Training Academy, DCITA which
21 is part of DC3. Through DCITA I have attended the

1 following courses relevant to my current work: Live
2 network investigations, 2009; mobile electronics
3 forensics training, 2008; advanced log analysis, 2008;
4 forensics and intrusions in a Windows environment, 2007;
5 Macintosh forensic examinations, 2007; wireless
6 technology, 2007; windows forensic examinations with
7 EnCase, 2007; introduction to networks and computer
8 hardware, 2006; an introduction to computer search and
9 seizure, 1999.

10 Additionally, I attended computer forensics
11 two with EnCase in 2009, a course put on by Guidant
12 Software, the makers of EnCase.

13 In 2011 I also attended DCITA large data set
14 acquisition course as well as the Army criminal
15 investigations laboratory's evidence management
16 certification course. These courses focus on the
17 collection and handling of physical and digital evidence.

18 On 27 May 2010 I became involved with the
19 investigation of PFC Bradley Manning after receiving
20 preliminary information that required downrange
21 investigation. As the SAC in charge of the Europe branch

1 office of CCIU and the closest CCIU agent to Iraq, I was
2 tasked by CCIU headquarters then at Fort Belvoir,
3 Virginia to provide support to the Camp Liberty CID
4 office.

5 I traveled to Camp Liberty in Baghdad and
6 stayed there for three days at the end of May 2010. I
7 stayed at Camp Liberty because at that time it was too
8 dangerous to travel to FOB Hammer. Additionally, the
9 evidence collection team already at the crime scene on
10 FOB Hammer had sufficient personnel to complete their
11 mission such that my physical presence was unnecessary.

12 My role in the investigation was to assess
13 and provide expert assistance with the collection,
14 preservation and the imaging of computer evidence, as
15 well as to perform preliminary analysis of the digital
16 evidence.

17 A preliminary forensic examination is a brief
18 review taking no more than a couple of hours, whereas a
19 full forensic examination may take anywhere from an
20 entire day to several weeks depending on the amount of
21 recoverable information.

1 I conducted preliminary forensic examinations
2 on a number of items of evidence seized in this case.
3 Evidence collected from FOB Hammer and delivered to me at
4 Camp Liberty included two supply computers, a rewritable
5 CD, an Apple brand personal laptop, an external hard disk
6 drive and three sensitive compartmented information
7 facility, SCIF, computers.

8 I follow several general procedures when
9 handling evidence. I review the custody document and
10 always insure that the (INAUDIBLE). I check, for
11 example, the recorded serial numbers, markings for
12 identification, and condition description match the
13 associated evidence. I insure that the necessary
14 information such as date and time are properly and
15 accurately recorded. Lastly, I maintain secure custody
16 of the evidence prior to transferring it to another
17 individual.

18 In addition to following these procedures,
19 when transferring to or receiving evidence from another
20 person I am also sure to properly sign, date and note the
21 reason for the transfer.

1 With regard to each item of physical evidence
2 I received in this case, I followed these same
3 procedures. When receiving whole computers I also
4 checked to insure they did not contain any suspicious
5 hardware or removable data storage devices such as SD
6 cards and thumb drives.

7 Prior to powering on or accessing the
8 contents of any device I imaged each item of physical
9 evidence I received in order to preserve the contents of
10 the data on the item.

11 If (INAUDIBLE) a forensic image on an item of
12 digital media is an exact bit per bit copy of the
13 (INAUDIBLE) without manipulating the data contained on
14 the original evidence. This is standard practice by
15 digital forensic examiners.

16 The software forensic examiners use to image
17 the digital evidence has built in procedures to verify
18 that the item has been successfully duplicated.

19 For example, the program will note the MD5,
20 that's Mike Delta five hash, or secure hash algorithm
21 one, SHA1, hash value of an item of digital evidence

1 before imaging acquisition hash value and after, if the
2 two hash values match, the item has been successfully
3 duplicated bit for bit.

4 The hash value is determined by mathematical
5 algorithm and is displayed as a number letter identifier
6 unique to every item of electronically stored
7 identification. It is similar to a digital fingerprint,
8 although more unique.

9 When a hash value is generated, the entire
10 hard drive will have a hash value as well as each
11 individual file on the hard drive. If there is any
12 alteration to the hard drive or to any file on the hard
13 drive, the acquisition and verification hash values will
14 not match. The alteration can be as small as adding a
15 single space into a text document, or saving a file in a
16 different format, i.e., saving a dot doc as a dot PDF.

17 In this case I used EnCase forensic software
18 to complete this imaging process. EnCase is widely used
19 by digital forensic examiners.

20 As I stated earlier, I have received training
21 on EnCase forensic software and have used it in my other

1 cases involving digital forensic examinations. I
2 encountered no errors while conducting the imaging of the
3 evidence at issue in this case.

4 Between 30 May 2010 and 1 June 2010, I
5 processed the following items of physical evidence: I
6 processed a Hitachi brand laptop computer with the serial
7 number 070817 Delta Poppa 0 Charlie 10 Delta Sierra Gamma
8 2 Juliet 1 Delta Poppa, which was collected from the
9 supply office annex, Second Brigade, FOB Hammer, Iraq.
10 This computer was marked unclassified and was seized
11 because PFC Manning had temporarily worked in the supply
12 office in May 2010 and used this computer.

13 I received this evidence from Special Agent
14 Thomas Smith. I followed proper evidence handling
15 procedures to receive and handle this evidence and made
16 sure the evidence matched its noted description before
17 beginning work.

18 Upon taking possession I unsealed this
19 computer and obtained an EnCase present image of the hard
20 drive contained within this computer. The resulting
21 forensic image with the SHA1 hash value of 309 D F 99 F

1 068 F B A 2 E 81 A A E 03 D L A 93 D 471 CD E 90 B F 0
2 was verified to be an exact bit for bit copy of the hard
3 drive through a comparison of the acquisition and
4 verification hash values. I did not examine this image
5 further.

6 I reviewed DN073-10 in preparation for this
7 case. This item's forensic image is located on item one
8 of DN073-10. I know this because I collected item one as
9 evidence.

10 B. I processed a Seagate brand computer hard
11 drive with the serial number C N-0 M N 922-21232-793-002L
12 which was collected from the supply office annex, Second
13 Brigade combat team, Tenth Mountain team, FOB Hammer,
14 Iraq. This computer was collected to the SIPRNET and the
15 hard drive was seized because PFC Manning had temporarily
16 worked in the supply office in May 2010 and used this
17 computer.

18 I received this evidence from Special Agent
19 Smith. I followed proper evidence handling procedures to
20 receive and handle this evidence and made sure the
21 evidence matched its noted description before beginning

1 work.

2 Upon taking possession I unsealed this hard
3 drive and obtained an EnCase forensic image of the hard
4 drive. The resulting forensic image with the SHA1 hash
5 value of C F 6 D 709 F 0023773 E B 9 E 30 E E B 318660 A
6 C 0 D 18 F 404 was verified to be an exact bit for bit
7 copy of the hard drive through a comparison of the
8 acquisition and verification hash values. I did not
9 examine this image further.

10 I reviewed DN-073-10 in preparation for this
11 case. This item's forensic image is located on item D2
12 of (INAUDIBLE). I know this because I collected item two
13 as evidence.

14 C. I processed a rewritable compact disk
15 CD-RW with the serial number L D 623 M J 04184038 B 16
16 which was collected from the quarters of PFC Manning,
17 room 4C93, LSA Dragon, FOB Hammer, Iraq. A CD-RW is
18 different from a commercially produced CD with content
19 already loaded on to it, i.e., from a music store,
20 because a CD-RW allows the user to write content to the
21 CD along with edit and delete information on the CD.

1 This CD-RW had a secret sticker on it and was labeled,
2 quote, 12 July, J U L, 07, C Z, engagement zone, 30 G C,
3 end quote. This CD-RW was collected with three Arabic
4 language CDs in a multi disk case. I received this
5 evidence from Special Agent Smith.

6 I followed proper evidence handling
7 procedures to receive and handle this evidence and made
8 sure the evidence matched its noted description before
9 beginning work.

10 Upon taking possession I unsealed the multi
11 disk case and took an EnCase forensic image of the
12 aforementioned CD-RW. The resulting forensic image with
13 the MD5 hash value (INAUDIBLE). 5 C 993 E E 621 B 036482
14 B A E 1353 F 844322 F was verified to be an exact bit for
15 bit copy of the CD-RW through a comparison of the
16 acquisition and verification hash values.

17 After imaging this CD-RW, I conducted a
18 preliminary forensic examination of this image. The
19 CD-RW contained two files with identical names. One file
20 contained no data and the other file, 12 G U L 07 C G
21 engagement zone 30 G C contained a video. The video

1 appeared to have been burned to the disk on 27 April 2010
2 using Macintosh disk creation software.

3 I reviewed DN073-10 in preparation for this
4 case. This item's forensic image is located on item two
5 of DN073-10. I know this because I collected item two as
6 evidence.

7 D. I processed an Apple brand laptop
8 computer with the serial number W 8939 A Z 066 E which
9 was collected from the quarters of PFC Manning, room
10 4C93, LSA Dragon, FOB Hammer, Iraq.

11 I received this evidence from Special Agent
12 Smith. I followed proper evidence handling procedures
13 through and received this evidence and made sure the
14 evidence matched its noted description before beginning
15 work.

16 Upon taking possession, I unsealed the
17 Macintosh computer and removed a Mitsubishi brand hard
18 drive from the laptop and obtained an EnCase forensic
19 image of the hard drive. The serial number of the hard
20 drive was K 94 D T 9829 W P Y. The resulting forensic
21 image of the hard drive I obtained from this computer

1 with the SHA1 hash value of 3 C F 107 D B 8 B 3865 A 5 E
2 B F C E 400 B A E 1 D A 9691 F B 49 was verified to be an
3 exact bit for bit copy of the hard drive through a
4 comparison of acquisition and verification hash values.

5 Thereafter, I conducted a preliminary
6 forensic examination of this image. I determined that
7 the hard drive had a Macintosh operating system installed
8 and had a user account resembling PFC Manning's name,
9 although I did not note the machine's user name in my
10 analyst investigative report.

11 A review of the device logs contained on the
12 hard drive revealed some form of optical disk EIE CD R
13 drive activity occurred, like deleting or burning CD-RW
14 on or around 27 April 2010.

15 I also reviewed the user files associated
16 with the account resembling PFC Manning's name and
17 located several names containing text that was
18 specifically during the initial phases of the
19 investigation. Though I did not specifically note which
20 text was referenced in the chat logs in my AIR. I
21 reviewed DN073-10 in preparation for this case. This

1 item's forensic image is located on item one of
2 DN073-1010. I know this because I collected item one as
3 evidence.

4 E. I processed a Seagate brand external hard
5 disk drive, HDD, with the serial number 2 G E W J K L J,
6 which was collected from the quarters of PFC Manning,
7 room 4C93, LSA Dragon, FOB Hammer Iraq.

8 I received this evidence from Special Agent
9 Smith. I followed proper evidence handling procedures to
10 receive and handle this evidence and made sure the
11 evidence matched its noted description before beginning
12 work.

13 Upon taking possession I unsealed the
14 external hard disk drive case and further removed the
15 internal hard disk drive, also Seagate brand, serial
16 number 9 D S 1 S 2 T Z. Because I did not have a power
17 adapter that could safely and reliably power the external
18 Seagate drive. I then obtained an EnCase forensic image
19 of the internal Seagate drive with the hash value of
20 151183463 C 5 B 5841 A 8115627 B F 51 E 8 D 9 E 74A 3348.

21 Resulting forensic image was deemed to be an

1 exact bit for bit copy of the Seagate hard disk drive
2 through a comparison of the verification and (INAUDIBLE).

3 After imaging the Seagate hard disk drive I
4 conducted a preliminary forensic investigation of this
5 image. I found a file containing the contact information
6 of a member of the WikiLeaks team, Mr. Julian Assange.
7 This contact information appeared to have been produced
8 and released by the WikiLeaks team and did not appear to
9 be of a personal nature.

10 I reviewed DN073-10 in preparation for this
11 case. This item's forensic image is located on item one
12 of DN073-10. I know this because I collected item one as
13 evidence.

14 I processed an Alienware brand laptop
15 computer with the serial number N K D 900 T A 6 D 00661
16 which was collected from the sensitive compartmented
17 information facility, SCIF, of the Second Brigade combat
18 team, FOB Hammer, Iraq. This computer was connected to
19 the SIPRNET and the hard drive was seized because PFC
20 Manning had worked in the SCIF that November of 2009 to
21 May 2010 and used this computer.

1 I received this evidence from Special Agent
2 Smith. I followed proper evidence handling procedures to
3 receive and handle this evidence and made sure the
4 evidence matched its noted description before beginning
5 work.

6 Upon taking possession I unsealed the
7 Alienware laptop computer, removed the Seagate brand hard
8 drive from the laptop and obtained an EnCase forensic
9 image of the hard drive.

10 The serial number of the hard drive was 3 M H
11 036 M 1. The resulting forensic image of the hard drive
12 I obtained from this computer with the SHA1 hash value of
13 C 7400 F B E E 0 B 4 D B 68 A 582 A 585 E E A A 34 A B 1
14 A 62 CD 64 was verified to be an exact bit for bit copy
15 of the hard drive through a comparison of the acquisition
16 and verification hash values.

17 Thereafter, I conducted a preliminary
18 forensic examination of this image. I determined that
19 PFC Manning had a user account on this laptop. I found
20 several items of interest to this investigation including
21 copies of the Apache video made publicly available by

1 WikiLeaks and called collateral murder.

2 I also found an archive file that contained
3 approximately 11,000 sensitive and classified documents
4 downloaded in hypertext markup languages, H T M L,
5 language though I did not note the exact number. I
6 reviewed (INAUDIBLE) in preparation for this case. This
7 item's forensic image is located on item two of DN073-10.
8 I know this because I collected item two as evidence.

9 I processed a Dell brand laptop computer with
10 the serial number H L B J Q F 1 which was collected from
11 the sensitive compartmented information facility, SCIF,
12 of the Second Brigade Combat Team, Tenth Mountain
13 Division, FOB Hammer. This computer was connected in the
14 SIPRNET and was seized because PFC Manning had worked in
15 the SCIF and used this computer.

16 I received this evidence from Special Agent
17 Smith. I followed proper evidence handling procedures to
18 receive and handle this evidence and made sure the
19 evidence matched its noted description before beginning
20 work.

21 Upon taking possession, I unsealed the Dell

1 laptop computer, removed an unknown brand hard drive from
2 the laptop and obtained an EnCase forensic image of the
3 hard drive. The serial number of the hard drive was 5 M
4 H 0 H W K 9. The resulting forensic image of the hard
5 drive I obtained from this computer with the SHA1 hash
6 value of C 3473 C 3 D F 1 D 131 E 0022 F 0 C 56 B F C
7 46087 E 9 B 5150 F was verified to be an exact bit for
8 bit copy of the hard drive through a comparison of the
9 acquisition and verification hash values.

10 Thereafter, I conducted a preliminary
11 forensic examination of this image. I determined that
12 PFC Manning had a user account on this laptop computer.

13 I reviewed DN073-10 in preparation for this
14 case. This item's forensic image is located on item two.
15 I know this because I collected item two as evidence.

16 I processed a Dell brand laptop computer with
17 the serial number 93 H 4 Q D 1 which was collected from
18 the sensitive compartmented information facility, SCIF,
19 of the Second Brigade Combat Team, Tenth Mountain
20 Division, FOB Hammer Iraq. This laptop had been located
21 near the work area of PFC Manning.

1 I received this evidence from Special Agent
2 Smith. I followed proper evidence handling procedures to
3 receive and handle this evidence and made sure the
4 evidence matched its noted description before begin
5 beginning work.

6 Upon taking possession I unsealed the Dell
7 laptop computer, removed an unknown brand hard drive from
8 the laptop and obtained an EnCase forensic image of the
9 hard drive.

10 The serial number of the hard drive was 5 M H
11 0 T B 78. The resulting forensic image of the hard drive
12 I obtained from this computer with the SHA1 hash value of
13 E 2 B 49 B D 3 E D 0 E 2 F 5 D 798 A B 44 F E B A A C 3 B
14 15 D 0070 D E was verified to be an exact bit for bit
15 copy of the hard drive through a comparison of the
16 acquisition and verification hash values. I did not
17 examine this image further.

18 I reviewed DN073-10 in preparation for this
19 case. This item's forensic image is located on item one.
20 I know this because I collected item one as evidence.

21 As I stated earlier, I used the EnCase

1 forensic software to obtain images of each item of
2 evidence I processed. In this case, I attached each
3 device except the CD-RW to a write blocker and then
4 attached the write blocker to my laptop computer which
5 had the EnCase forensic software loaded.

6 A write blocker is a device that allows you
7 to acquire information on an item of digital media
8 without accidentally damaging or the contents of the
9 original digital media. In short, the write blocker
10 insures that the (INAUDIBLE) is manipulated in any way.

11 I did not use the write blocker when
12 processing the CD-RW as that device was not at risk of
13 alteration. Computers do not alter data on CD-RWs
14 without specific instructions to do so. As I neither
15 intended nor actually issued such instructions, there was
16 no need to use a write blocker with regards to the CD-RW.

17 After securing the write blocker as
18 appropriate, I then used EnCase to create a forensic
19 image of each item. As I stated earlier, EnCase
20 (INAUDIBLE) that is later compared to the verification
21 hash value once the image has been created. I saved the

1 forensic images of each device I processed on to sterile
2 hard drives. I transferred items one and two on
3 DN073-10.

4 When you open the forensic image in EnCase,
5 EnCase itself verifies that the forensic image is a true
6 copy.

7 Item one of DN073-10, serial number 9 V S25 G
8 M, is a Seagate brand hard disk drive containing the
9 devices listed above that were initially determined to be
10 unclassified.

11 Item two of DN073-10, serial number 5 B G
12 1826 C, is a Seagate brand hard disk drive containing the
13 individual forensic images of the devices listed above
14 that were initially determined to be classified secret.

15 On 5 June 2010 I collected items one and two
16 as evidence because I had previously transferred the
17 forensic images of the various devices I processed to
18 these two hard disk drives. I collected this evidence at
19 the CID office on Camp Liberty. I did this to
20 consolidate the evidence I processed for ease of review
21 by subsequent forensic examiners. This process is

1 consistent with best forensic computer practices in the
2 forensic community. It is common for investigators to
3 consolidate the forensic images of multiple devices on
4 one hard drive and then collect the resulting hard drive
5 as evidence.

6 After I collected items one and two as
7 evidence, I transferred custody of this evidence to
8 Special Agent Jeremy Drews.

9 During the above forensic examinations I
10 recorded my notes, including my description of the
11 evidence and their related hash values on the AIR
12 (INAUDIBLE) 00121674 through 00021683. This AIR
13 accompanied the evidence I transferred to Special Agent
14 Drews.

15 The prosecution exhibit 11 for identification
16 is a Seagate brand hard disk drive with a serial number 9
17 BS 2 A G 5 M, item one of DN073-10.

18 Prosecution exhibit 12 for identification is
19 a Seagate brand hard disk drive with serial number 5 D
20 826 C, item two of DN073-10.

21 MR. FEIN: May we have a moment, Your Honor?

1 Just to save seven pages worth of stipulation
2 being read into the record, on page five of the written
3 stipulation, Your Honor, serial number was given for the
4 Dell brand laptop computer with the serial number H L V J
5 Q F 1, and of the enclosed hard drive the serial number
6 had it numbers transposed. The actual serial number is 5
7 M H 0 H W K N.

8 THE COURT: Does the written stipulation of
9 expected testimony, it's been already admitted, have the
10 proper serial numbers?

11 MR. FEIN: It does, Your Honor.

12 Your Honor, the United States moves to admit
13 prosecution exhibit 12 for identification.

14 THE COURT: Those are the two hard drives
15 represented in the stipulation?

16 MR. FEIN: Yes, ma'am.

17 THE COURT: Any objection?

18 MR. COOMBS: No, ma'am.

19 THE COURT: Prosecution exhibits 11 and 12
20 for identification are admitted. And I'm going to hand
21 these back to the court reporter.

1 All right. Does the government have anything
2 further to go forward with today? We spoke earlier, the
3 parties came back for a brief RCM 802 conference and I
4 believe it was the understanding of the parties that the
5 next witness might be lengthy so starting him today might
6 not be a good idea.

7 MR. FEIN: Yes, Your Honor. The United
8 States intends to call Special Agent Shaver first thing.

9 THE COURT: Any objection?

10 MR. COOMBS: No, Your Honor.

11 THE COURT: Anything we need to address now
12 before we recess the court?

13 MR FEIN: No, Your Honor.

14 MR. COOMBS: No, Your Honor.

15 THE COURT: I do want to say something, there
16 was some testimony elicited based on my questions from
17 one of the earlier witnesses on something that I would
18 instruct the members not to consider. I might consider
19 everything just for the record. Both sides know what I'm
20 talking about?

21 MR. FEIN: Yes, Your Honor.

1 MR. COOMBS: Yes, Your Honor.

2 THE COURT: Anything else we need to address?

3 MR. FEIN: No, Your Honor.

4 MR. COOMBS: No, Your Honor.

5 THE COURT: Court is in recess.

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